

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawaii 96813

August 23, 2013

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawai'i

O'ahu

Denial of Request for Contested Case Hearing by Lela Malina Hubbard Regarding BLNR Agenda Item E-1, April 26, 2013, Regarding the Request for Authorization for the Construction and Use of a Burial Tomb on the Grounds of the Royal Mausoleum State Monument for Abigail K. Kawanānakoā and Delegation of Authority to the Chairperson to Issue a Construction Right of Entry for said Tomb at Mauna 'Ala, Kawanānakoā, Nu'uānu Valley, O'ahu, Tax Map Key: (1) 2-2-021: 012 (por.)

BACKGROUND

On April 26, 2013, under Agenda Item E-1 (attached as Exhibit A), the Board considered a request by Abigail Kekaulike Kawanānakoā to construct and use a burial tomb as her final resting place at the Royal Mausoleum State Monument. After considerable public testimony and discussion, the Board unanimously approved the request with the amendment that an archaeological inventory survey be completed in accordance with State law. Petitioner Lela Malina Hubbard requested a contested case prior to the end of the meeting. Petitioner's oral request was followed up by a written request filed with DLNR on May 6, 2013 and is attached as Exhibit B. After consultation with the Department of the Attorney General (AG), the Division of State Parks (State Parks) recommends the Board deny the request for contested case because a contested case is not required by statute, rule, or due process.

FACTS

In her petition, Ms. Hubbard claims descent from the highest ali'i traceable back to Umi-a-Liloa and Jane Buckle Clark, who was a lady in waiting to Queen Lili'uokulani. She states that:

I have standing given my demonstrated genealogy and Mauna 'Ala is a historical tribute to our true Ali'i. A Kawanānakoā crypt would honor no one who might succeeded to the throne who is not already there. The titles were assumed without validation once our monarchs passed on. The alteration of this scared place, the high possibility of disturbing scared burials through ground excavation, and the unmitigated controversy will only serve to bring unrest to this sacred place of repose.

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Ms. Hubbard claims that the decision to construct a burial tomb should have been made by a council of chiefs because this is a matter of great importance. She also claims that the Board should not have relied heavily on the testimony of William Kaihe'ekai Maioho, the Kahu for Mauna 'Ala, in making its decision. She claims that the flood gates will be open to other burial requests because the Board has no rules specifically for Mauna 'Ala, and that rules for Mauna 'Ala should be drafted by private individuals with genealogical ties. Ms. Hubbard further claims that the O'ahu Island Burial Council should have also been consulted prior to the Board's decision.

DISCUSSION

A contested case hearing is one where the "legal rights, duties, or privileges of specific parties are required by law to be determined after an opportunity for an agency hearing." Hawai'i Revised Statutes ("HRS") § 91-1(5). A contested case is "required by law" if the statute or rule governing the activity in question mandates a hearing prior to the administrative agency's decision-making, or if mandated by due process¹.

There is no statute or rule calling for a contested case hearing in the context of the Board's approval to authorize the construction of use of a tomb at the Royal Mausoleum. Nothing in the HRS Chapter 171 or in the Department of Land and Natural Resources' administrative rules mandates a contested case hearing or even a non-Chapter 91 public hearing in this instance. In contrast, several sections of HRS Chapter 171 and Hawai'i Administrative Rules ("HAR") Title 13 specifically requires a public hearing before the agency take certain actions. The inclusion of particular language requiring a hearing only in specific sections of HRS Chapter 171² and HAR Title 13³ signifies that the requirement for a hearing was intentionally excluded from all other sections. See In re Water Use Permit Applications, 94 Hawai'i 97, 151, 9 P.3d 409, 463 (2000) (stating "[w]here [the legislature] includes particular language in one section of a statute but omits it on another section of the same Act, it is generally presumed that [the legislature] acts intentionally and purposely in the disparate inclusion or exclusion").

Without a statute or rule requiring the Board to hold a contested case hearing, the remaining question is whether constitutional due process requires a contested case hearing. To establish a due process right to a contested case hearing, the claimant must first show that "the particular interest which claimant seeks to protect by a hearing [is] 'property' within the meaning of the due process clauses of the federal and state

¹ The Fourteenth Amendment to the United States Constitution provides, in part, "nor shall any state deprive any person of life, liberty, or property, without due process of law." Article I, section 4 of the Hawai'i Constitution provides, in part, "[n]o person shall be deprived of life, liberty or property without due process of law."

² E.g., HRS §§171-28 (requiring the Board to conduct a public hearing when leasing government-owned fishponds without legislative authorization); 171-58 (requiring a hearing before leasing water rights); 171-80 (before cancelling a residential leasehold); 171-41, 171-41.5 (before amending height, density, or use restrictions in certain leases); and 171-95.3 (before entering or renewing any lease of public land to renewable energy producers).

³ E.g., HAR §§ 13-184-8 (requiring the Board to hold public hearings before acting on a proposal to designate an area as a geothermal resource subzone); 13-5-40 (before granting a permit, site approval, or management plan approval in a conservation district); 13-183-26 (requiring a hearing on revocations of a mining lease).

constitutions[.]” Sandy Beach Def. Fund v. City Council of Honolulu, 70 Haw. 361, 376, 773 P.2d 250, 260 (1989).

Ms. Hubbard cites to Article XII, section 7⁴ of the Hawai‘i Constitution. The Hawai‘i Supreme Court has said that, “This provision places an affirmative duty on the State and its agencies to preserve and protect traditional and customary native Hawaiian rights, and confers upon the State and its agencies ‘the power to protect these rights and to prevent any interference with the exercise of these rights.’” Ka Paakai O Ka Aina v. Land Use Comm’n, 94 Hawai‘i 31, 45, 7 P.3d 1068, 1082 (2000). These rights however, have never been held to rise to the level of a protected property interest for the purposes of the due process provisions of either the federal or state constitutions.

“Property interests, of course, are not created by the Constitution. Rather, that are created and their dimensions are defined by existing rules or understandings that stem from an independent source such as state law—rules or understandings that secure certain benefits and that support claims of entitlement to those benefits.” Int’l Broth. Of Painters and Allied Trades v. Befitel, 104 Hawai‘i 275, 283, 88 P.3d 647, 655 (2004) (quoting Bd. Of Regents v. Roth, 408 U.S. 564 (1972)). This property interest must be one for which the claimant has “a legitimate claim of entitlement” and must be “more than an abstract need or desire” or “a unilateral expectation”. Bush v. Hawaiian Homes Comm’n, 76 Hawai‘i 128, 136, 870 P.2d 1272, 1280 (1994). For example, in In re Iao Ground Water Mgmt. Area High-Level Source Water Use Permit Applications, 128 Hawai‘i 228, 241-42, 287 P.3d 129, 142-43 (citing HRS §§174C-101, 174C-63), the Hawai‘i Supreme Court concluded the native Hawaiian claimants’ interests in traditional and customary rights had a statutory basis in the water code. Ms. Hubbard has not cited any statutory basis supporting her entitlement to challenge the Board’s decision to authorize the construction and use of a burial tomb to house the remains of Ms. Kawanānakoā at the Royal Mausoleum.

Even if Article XII, section 7 were to provide due process protection, Ms. Hubbard is still not entitled to a contested case hearing. Building on prior case law, the court in State v. Pratt, 124 Hawai‘i 329, 243 P.3d 289 (Haw. App. 2010) discussed what the Board needs to look for when asked to recognize native Hawaiian rights. A petitioner must meet three threshold requirements to prove he is entitled to constitutional protection: “(1) the [petitioner] must be a native Hawaiian; (2) whose claimed right is a constitutionally protected customary or traditional native Hawaiian practice, (3) which is conducted on undeveloped land.” Pratt, 124 Hawai‘i at 349, 243 P.3d at 309 (setting forth the State v. Hanapi test, 89 Hawai‘i 177, 970 P.2d 485 (1998)). Ms. Hubbard has not identified any traditional and customary practice of hers that is being affected by the Board’s decision. Ms. Hubbard does not have a property interest under Article XII, Section 7, entitling her to challenge the Board’s decision.

4 Article XII, section 7 provides that: “The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua‘a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights.”

Finally, the Board is not required to hold contested case hearings when dealing with matters of internal land management. In Sharma v. State, Department of Land and Natural Resources, 66 Haw. 632, 673 P.2d 1030 (1983) the Board canceled a lease of public lands that was in default. The lessee contended he was entitled to a contested case hearing. The Hawai'i Supreme Court held that a contested base hearing was not required because the Board was dealing with matters of internal management, and that "the internal management of an agency necessarily includes the custodial management of public property entrusted to the agency necessarily includes the custodial management of public property entrusted to the agency." Id. By Governor's Executive Order No. 2966, the Royal Mausoleum State Monument was set aside to the Department of Land and Natural Resources, Division of State Parks on April 18, 1979. HAR§ 13-146-27 of the State Parks' administrative rules also provides that "No person shall install any monument, memorial, tablet or other commemorative installation, except with the written permission of the board or its authorized representative." A decision regarding the installation of a monument on public lands is also a matter of internal land management.

Pursuant to HAR §13-1-29.1, "The board, without a hearing may deny a request or petition or both for a contested case when it is clear as a matter of law that the request concerns a subject that it not within the adjudicatory jurisdiction of the board or when it is clear as a matter of law that the petitioner does not have a legal right, duty or privilege entitling one to a contested case proceeding."

Based on the foregoing, Petitioner's request for a contested case hearing is not required by statute, rule or due process for the Board's authorization to construct and use a burial tomb to house the remains of Abigail K. Kawanānakoā on the grounds of the Royal Mausoleum and State Parks recommends the Board deny the petition for a contested case hearing filed by Lela Malina Hubbard.

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RECOMMENDATION: That the Board:

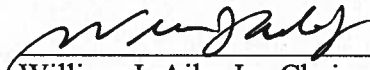
1. Deny the petition for a contested case hearing filed by Lela Malina Hubbard on the basis that Petitioner is not entitled to a contested case hearing because a contested case hearing is not required by statute, rule or due process as discussed above.

Respectfully Submitted,



Daniel S. Quinn, Administrator

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

Exhibit "A" April 26, 2013 Board Submittal

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF STATE PARKS
Honolulu, Hawai'i 96813

April 26, 2013

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawai'i

O'ahu

Request for Authorization for the Construction and Use of a Burial Tomb on the Grounds of the Royal Mausoleum State Monument for Abigail K. Kawanānākoa and Delegation of Authority to the Chairperson to Issue a Construction Right of Entry for said Tomb at Mauna 'Ala, Kawanānākoa, Nu'uānu Valley, O'ahu, TMK: (1) 2-2-021:012 (por.)

REQUEST:

Request for approval from Abigail Kekaulike Kawanānākoa to construct a burial tomb as her final resting place on the grounds of the Royal Mausoleum State Monument TMK: (1) 2-2-021:012 (por.), attached as Exhibit A, also known as Mauna 'Ala. A copy of the request is attached as Exhibit B.

BACKGROUND:

Mauna 'Ala (fragrant hill) is the final resting place for Hawaii's kings, queens, their families, and trusted advisors. The mausoleum structure, fully completed in October of 1865, was built to house the remains of the Kamehameha dynasty which had previously rested at the grounds of 'Iolani Palace. In 1865, the caskets of the kings and chiefs were moved from the tomb at 'Iolani Palace by procession to Mauna 'Ala. In later years, the remains of the family of King David Kalākaua were also laid to rest at the mausoleum.

Following the construction of the mausoleum, it became apparent that storing the caskets in the open chamber in the mausoleum was not a good long term solution. After the death of Bernice Pauahi Bishop in 1884, her husband, Charles Reed Bishop, began construction of an underground vault for the Kamehameha dynasty and in 1887, the Kamehameha caskets were entombed.

In 1866, John Young, a British sailor who became an advisor to Kamehameha I in battles for control of the Islands was interred in a separate tomb at Mauna 'Ala.

In 1904, the Wyllie Tomb was built for Queen Emma's relatives and close associates whose caskets remained in the mausoleum. Robert C. Wyllie, who was a Scot, served the monarchy as foreign minister and was a close friend of the royal family.

ITEM E-1

BLNR - Authorization for Burial Tomb
For Abigail Kawanānakoā

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In 1907, the Hawaii Legislature appropriated funds to build a third crypt for the Kalākaua family.

A separate monument to Charles Reed Bishop was built in 1916 although his remains rest beside his wife in the Kamehameha Tomb.

A summary of the tombs, and list of whose remains rest in each is attached as Exhibit C¹.

Abigail Kekaulike Kawanānakoā is a descendant of Kaumuali'i and Kapi'olani. She was adopted by Abigail Wahiikeahuula Campbell, her maternal grandmother. Abigail Wahiikeahuula Campbell was married to Prince David Kawanānakoā. They had three children; David Kalākaua Kawanānakoā, Kapi'olani Kawanānakoā and Lydia Lili'uokalani Kawanānakoā, Ms. Abigail K. Kawanānakoā's mother.

Abigail W. Campbell, Prince David Kawanānakoā and their son David K. Kawanānakoā are all interred in the Kalākaua Crypt. David K. Kawanānakoā (Ms. Abigail K. Kawanānakoā's brother through adoption), was the last person laid to rest at Mauna 'Ala being interred in the Kalākaua Crypt in 1953.

DISCUSSION:

On February 23, 1943, the Royal Mausoleum premises were set aside to the Superintendent of Public Works under Executive Order (E.O.) 998. Following statehood, the Royal Mausoleum became the responsibility of the Department of Accounting and General Services (DAGS) which assumed the management of most State buildings and grounds. Act 254, SLH 1967, Section 4, transferred all state historic areas and buildings from DAGS to the Department of Land and Natural Resources (DLNR) and subsequently, on April 18, 1979, Governor's Executive Order No. 2966 set aside the Royal Mausoleum to the DLNR, Division of State Parks (State Parks). State Parks maintains the Royal Mausoleum and refers to it as the Royal Mausoleum State Monument.

There is no statute specifying who can be interred on the Royal Mausoleum State Monument premises. The issue was considered by the Attorney General in 1956 who concluded that absent a controlling statute, authority rested with the Superintendent of Public Works². Accordingly, as that jurisdiction now falls under the DLNR, authority

¹ Staff notes that although the attached list cites names of the family members interred, it may not necessarily be an exhaustive list.

² The conclusion stated in the March 8, 1956 opinion letter approved by then Acting Attorney General Richard Sharpless addressed three specific questions: 1. Who has jurisdiction and control over the Royal Mausoleum premises; 2. Who can be interred in the Royal Mausoleum premises; and 3. Who has the authority to determine rights of interment in the Royal Mausoleum premises. The conclusion with respect to who has jurisdiction over the Royal Mausoleum premises was determined to be the Superintendent of Public Works. Regarding the second question over who can be interred, the Attorney General concluded, "In view of the foregoing, it seems reasonably clear that the Royal Mausoleum premises were dedicated and preserved as a burial ground for members of the Royal family of Hawai'i, which included the sovereign and chiefs of the kingdom and their family members." The third question regarding the authority for interment rights was found to rest with the Superintendent as well.

now rests with the Board of Land and Natural Resources (Board). Additionally, under State Parks' administrative rules, specifically HAR 13-146-27 regarding memorialization, "No person shall install any monument, memorial, tablet or other commemorative installation, except with the written permission of the board or its authorized representative."

The proposal outlined in Exhibit B, envisions a new tomb which mirrors the existing Wyllie Tomb in appearance and location. Upon entering the grounds, the Wyllie Tomb is to the left, on mauka side, and the new tomb is proposed to the right, or makai side. Exhibit B includes renderings, a site plan and size comparisons of the various tombs, and photos.

The Royal Mausoleum was listed in the National Register of Historic Places in 1972, and in the State Register of Historic Places in 1981. Under Sections 6E-7 and 8, HRS and Chapter 13-275, HAR, State Parks is required to give the State Historic Preservation Division (SHPD) the opportunity to review projects or actions that could potentially affect historic properties and receive written concurrence from SHPD to proceed.

The improvement projects undertaken to date at Mauna 'Ala in partnership with the Ali'i Trusts have been limited to replacing, restoring, or renovating existing features on the grounds. The subject proposal is different in that it would add a new element to the grounds.

Ms. Kawanakoa indicates the costs for design, engineering and construction as well as maintenance costs in perpetuity will be borne by her and is not asking for the tomb to be reserved for additional persons.

CHAPTER 343 - ENVIRONMENTAL ASSESMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(3), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 3 of the State Parks Exemption List which exempts the "Construction and location of single, new, small facilities or structures and the alteration of modification of same and installation of new, small, equipment and facilities and the alteration and modification of same including but not limited to:" [HAR Section 11-200-8(a)(3)].

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BLNR - Authorization for Burial Tomb
For Abigail Kawanakoa

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RECOMMENDATION: That the Board:

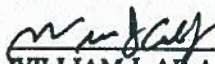
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the construction and use of a burial tomb to house the remains of Abigail K. Kawanakoa on the grounds of the Royal Mausoleum State Monument and delegate authority to the Chairperson to issue, negotiate and approve a construction Right of Entry for said tomb subject to the following:
 - a. The final review and approval for the precise location and design of the tomb as well as a plan for maintenance shall be subject to the Chairperson's approval;
 - b. The costs for the design, construction and maintenance in perpetuity shall be paid for by Ms. Kawanakoa;
 - c. The standard terms and conditions of the most current right of entry form, as may be amended from time to time;
 - d. Review and approval by the State Historic Preservation Division as required by law; and,
 - e. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,



DANIEL S. QUINN
State Parks Administrator

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR.
Chairperson

BLNR - Authorization for Burial Tomb
For Abigail Kawananaoka

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Exhibit B - Kawananaoka Request

Abigail K. Kawananaoka

HONOLULU, HAWAII 96817
PHONE: [REDACTED]

December 17, 2012

William J. Aila, Jr.
Chairperson
Department of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street
Honolulu, HI 96813

Dear Mr. Aila:

I request permission to construct a burial structure at Mauna Ala to be used for the disposition of my remains.

The design, engineering, and construction would be entirely at my expense. I will make provision for its care and maintenance in perpetuity.

I also request that the structure be situated on the makai side of the property in the open area behind the flagpole. The approximate location is indicated on the enclosed site plan.

I have also enclosed conceptual drawings with this letter.

Thank you for your consideration.

Sincerely

Abigail K. Kawananaoka
Abigail K. Kawananaoka

Enclosures

*Mahalo Bill
Merry Christmas
AKK*

SUMMARY SHEET

Placement: The proposed Kawanānakoā Tomb has been located upon the Mauna 'Ala site with respect to and reflective of the existing chapel, tombs, memorial, and burial site. It is located with purpose to offer additional enhancement in the natural balance and proportion of the site plan, through placement directly in line with, and perpendicular to the Willie Tomb, while also giving respect in its alignment to the original Mauna 'Ala Cross site plan.

Size: The proposed size, both in footprint and scale, pays respect to the existing tombs, memorial, and burial site on the grounds, and its placement with respect to site balance. Though its footprint is smaller than all but one (Bishop Memorial) of the existing tombs, it contributes to the balance of the land, and the site.

Design: The preliminary design echoes both visually and in feeling the Willie Tomb. It sits aligned with, and offset in distance equally with, the existing Cross site plan, as are the Willie Tomb, Bishop Memorial and Kamehameha Tomb. As shown on the proposed site plan, both tombs are located visually on the right and on the left as you enter the grounds. The preliminary design is intended only for illustrative purposes, in that the proposed design concept reflects the Willie Tomb with respect to its elements, its stepped base, its four columns, and its roof.

Existing and proposed Kawanānakoā Tomb:

Kamehameha Tomb:	13'-1-1/2"X24'-1-1/2"	316.50 square feet
Willie Tomb:	18'-0"X21'-7"	388.50 square feet
Bishop Memorial:	5'-10"X8'-6"	49.50 square feet
Young Burial Site:	16'-6"X22'-0"	363.00 square feet
Proposed Kawanānakoā Tomb:	15'-0"X15'-0"	225.00 square feet

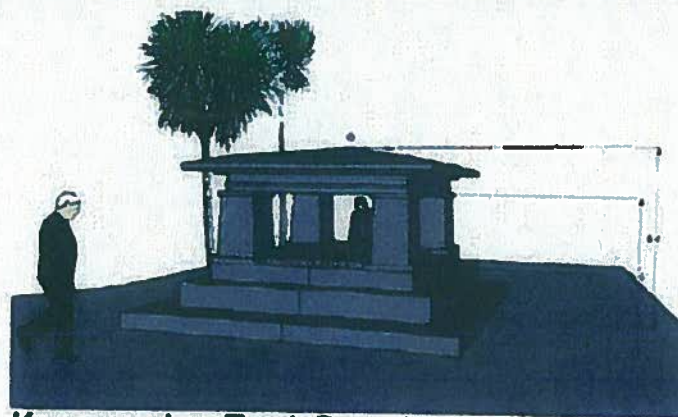
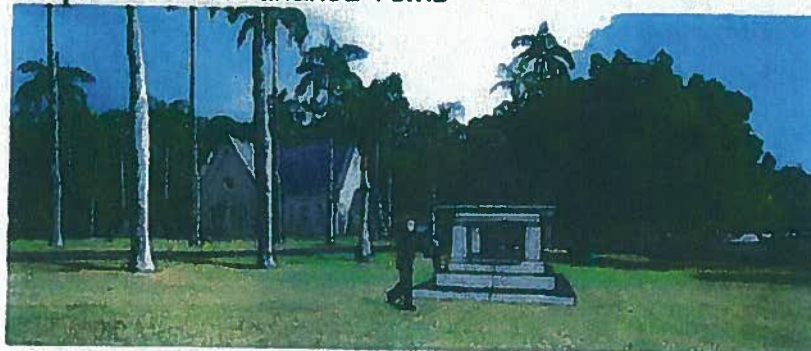
BLNR - Authorization for Burial Tomb
For Abigail Kawananakoa

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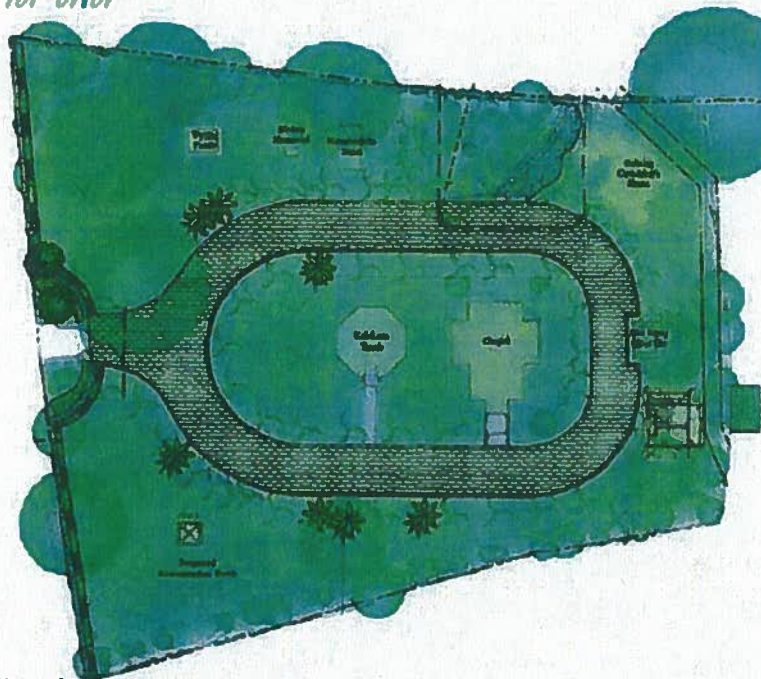
April 26, 2013



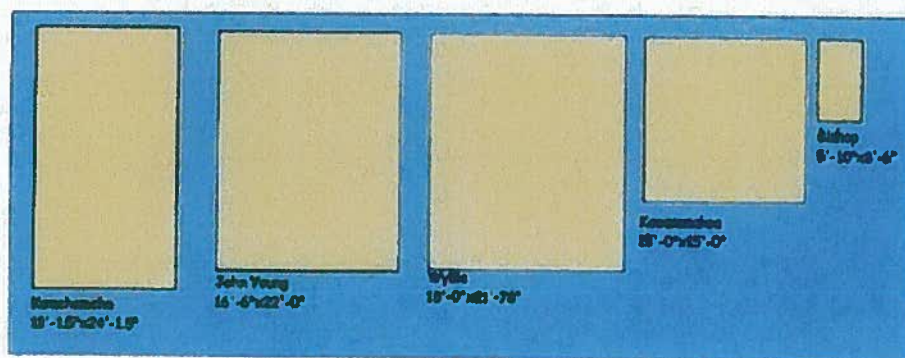
Proposed Kawananakoa Tomb



Kawananakoa Tomb Base 15'-0"x15'-0"



Site plan



Relative square footage of bases

BLNR - Authorization for Burial Tomb
For Abigail Kawanakoa

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Wyllie Tomb base: 18'-0"x21'-7"



Bishop Memorial base: 5'-10"x8'-6"



Kamehameha Tomb base:13'-1 1/2"x24'-1 1/2"



John Young base, post to post:16'-6"x22'-0"

Printed April 1997
with funds from the Charles Reed Bohlen Trust

Exhibit "B" Contested Case Petition



STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES

RECEIVED

2013 MAY -6 PM 3:21

PETITION FOR A CONTESTED CASE HEARING

OFFICIAL USE ONLY	
Case No.	Date Received
Board Action Date / Item No.	Division/Office

INSTRUCTIONS:

1. File (deliver, mail or fax) this form within ten (10) days of the Board action date to:

Department of Land and Natural Resources
Administrative Proceedings Office
1151 Punchbowl Street, Room 130
Honolulu, Hawaii 96813
Phone: (808) 587-1496, Fax: (808) 587-0390

2. DLNR's contested case hearing rules are listed under Chapter 13-1, HAR, and can be obtained from the DLNR Administrative Proceedings Office or at its website (<http://hawaii.gov/dlnr/rules/Ch13-1-Official-Rules.pdf>). Please review these rules before filing a petition.
3. If you use the electronic version of this form, note that the boxes are expandable to fit in your statements. If you use the hardcopy form and need more space, you may attach additional sheets.
4. Pursuant to §13-1-30, HAR, a petition that involves a Conservation District Use Permit must be accompanied with a \$100.00 non-refundable filing fee (payable to "DLNR") or a request for waiver of this fee. A waiver may be granted by the Chairperson based on a petitioner's financial hardship.

A. PETITIONER		
(If there are multiple petitioners, use one form for each.)		
1. Name <i>Na Koa Shaka</i> <i>Lela Malina Hubbard, Chair</i>	2. Contact Person <i>Same Chair</i>	
3. Address [Redacted]	4. City <i>Aiea</i>	5. State and ZIP <i>HI 96701</i>
6. Email [Redacted]	7. Phone [Redacted]	8. Fax <i>None</i>

B. ATTORNEY (if represented)		
9. Attorney Name	10. Firm Name	
11. Address	12. City	13. State and ZIP
14. Email	15. Phone	16. Fax

C. SUBJECT MATTER	
17. Board Action Being Contested	
18. Board Action Date Friday, April 26, 2013	19. Item No. E. State Parks, #1
20. Nature and Extent of Petitioner's Interest That May Be Affected by the Board Action Petitioner is requesting a contested case hearing as authorized under HAR Section 13-1-28 and 13-1-29 and HRS Section 91-2 and 91-9. Petitioner is seeking reconsideration based upon Article 12, Section 7 of Hawai'i State Constitution, Chapter 6E-HRS, Chapter 13-300, HAR and Title 13, Subtitle 6, Chapter 146, HAR. Opposition to a Burial Tomb for Abigail K. Kawananakoa at Mauna Ala I am Lela Malina Hubbard whose ancestress, Leoiki, was the niece of Keopuolani, raised to marry a Kamehameha but who was sold instead by the treacherous and jealous Kaahumanu and other aunts to Capt. Buckle, which caused a riot in Lahaina including the firing of the cannon. Minister Stevens forced William Buckle to marry her. Our family were part of the inner Hawaiian circle that received the bones of Capt. Cook. I rarely speak of our geneology but we are alii of the highest order. Great grandmother, Jane Buckle Clarke, was the first lady in waiting imprisoned with the Queen. We can trace our origins to the very beginnings as Great Grandmother wrote out her geneology. Abigail Kekau Kawananakoa has done many wonderful things for the Hawaiian Community; it pains me to speak in opposition, but her request is not pono without further consultation by the BLNR. I have standing given my demonstrated genealogy and Mauna 'Ala is a historical tribute to our true Ali'i. A Kawananakoa crypt would honor no one who might have succeeded to the throne who is not already there. The titles were assumed without validation once our monarchs passed on. The alteration of this sacred place, the high possibility of disturbing sacred burials through ground excavation, and the unmitigated controversy will only serve to bring unrest to this sacred place of repose.	
21. Any Disagreement Petitioner May Have with an Application before the Board The Board's decision placed all the responsibility on the caretaker, a State Park employee, who serves as Kahu and guardian of this wahl kapu. A person who would not have traditionally assumed all of the decision making responsibilities of interments at this sacred place. Our culture and history demand that a council of Chiefs would decide a matter of such high import. We are also horrified that this project was quickly moved through. The item was on the move-up agenda and discussed first even though Abigail Kawanakoa did not show up or attend the meeting, and nobody signed up on the move up agenda. It appears the BLNR moved the item up of its own accord, and several Native Hawaiians arrived during and after the vote was taken. Despite months of site visits and discussions, the Agenda item was only handed out in the week before, and agencies like the Office of Hawaiian Affairs testified that they would have needed more	

time to look into the issue. A matter of this great importance, although a private matter in one sense, is also a matter of great Native Hawaiian interests.

The BLNR applied some park rules but had no rules for Mauna 'Ala in particular, opening the flood gates to other requests of this nature and putting undue strain on the Kahu for future requests. Furthermore, the BLNR did not comport with their duty to assess the cultural practices and resources at Mauna 'Ala and the potential adverse impacts to them if they approved the request as required by the Hawai'i Supreme Court.

Petitioner takes exception that it appears that the DLNR, and other involved agencies, have unlawfully delegated their responsibilities under the Hawai'i State Constitution, as expressed by the Hawai'i Supreme Court in *Ka Pa'akai O ka 'Āina v. Land Use Commission*, 94 Haw. 31, 7 P.2d 1068

Petitioner takes guidance from Article XII, Section 7, of the Constitution of the State of Hawaii which states:

TRADITIONAL AND CUSTOMARY RIGHTS, Section 7. The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights. [Add Const Con 1978 and election Nov 7, 1978]

These laws of our 'aina, and the State of Hawai'i, can not be arbitrarily applied when convenient or at the whim of various governmental officers and agencies. They must be taken seriously and adhered to in good spirit and intent. This certainly doesn't appear to be the case in this instance.

Judicial Affirmance and Guidance

Notwithstanding the strong Constitutional mandates and statutory obligations set forth to recognize the duties of the State of Hawai'i and its sub-agencies to protect the traditional and customary rights of native Hawaiians and Hawaiians, the Hawaii Supreme Court has set forth judicial guidance and interpretation in this regard as well.

In *Public Access Shoreline Hawaii vs. Hawaii County Planning Commission (PASH)*, 79 Hawai'i 425 (1995), hereinafter PASH, the Hawaii Supreme Court, recognizing over 150 years of court decisions validating the existence of Native Hawaiian traditional and customary rights as part of the state's common law, reiterated that:

The State is obligated to protect the reasonable exercise of customarily and traditionally exercised rights of Hawaiians.

In *Ka Pa'akai*, the Hawaii Supreme Court, again noting it was clear that the State and its agencies are obligated to protect the reasonable exercise of customarily and traditionally exercised rights of Hawaiians, to the extent feasible, noted the findings of the Hawaii State Legislature in 2000 that:

[T]he past failure to require native Hawaiian cultural impact assessments has resulted in the loss and destruction of many important cultural resources and has interfered with the exercise of native Hawaiian culture. The legislature further finds that due consideration of the effects of human activities on native Hawaiian culture and the exercise thereof is necessary to ensure the continued existence, development, and exercise of native Hawaiian culture. Act 50, H.B. NO. 2895, H.D. 1, 20th Leg. (2000).

The Ka Pa'akai court also noted:

With regard to native Hawaiian standing, this court has stressed that "the rights of native Hawaiians are a matter of great public concern in Hawai'i." *Pele Defense Fund v. Paty*, 73 Haw. 578, 614, 837 P.2d 1247, 1268 (1992), certiorari denied, 507 U.S. 918, 113 S. Ct. 1277, 122 L. Ed. 2d 671 (1993).

The Ka Pa'akai court also set forth an analytical framework, in that instance for the LUC to adhere to, but in the spirit and intent of the law, a framework that all State and County entities should follow, which is espoused as follows. The proper analysis of cultural impacts should include:

1) the identity and scope of "valued cultural, historical, or natural resources" in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area; (2) the extent to which those resources -- including traditional and customary native Hawaiian rights -- will be affected or impaired by the proposed action; and (3) the feasible action, if any, to be taken by the (agency) to reasonably protect native Hawaiian rights if they are found to exist.

This framework, as set forth by the Hawaii Supreme Court, is a good beginning to address the obligations of the State of Hawai'i and its agencies, to properly identify, consider, and mitigate adverse impacts to the traditional and customary rights of Hawaiians which we are all obligated to protect.

By failing to consult its own O'ahu Island Burial Council which was previously consulted on Mauna 'Ala issues such as the renovation of the grave of John Young, as well as other matters, and by rushing through the staff recommendation, agenda item and vote, as well as failure to consult OHA, the BLNR abrogated its responsibilities citing "Hawaiian" protocol and a distaste for the "Western" process, thus, failing to follow the Supreme Court and putting everything on the shoulders of Kahu William Kaihe'ekai Maioho, thus setting up Mauna 'Ala for controversy, which brings emotional and spiritual harm to myself and my 'ohana.

22. Any Relief Petitioner Seeks or Deems Itself Entitled to

As a member of the Leoiki Ohana, I suggest a committee of fifteen develop the rules for Mauna Ala, led by Na Makekau, as Aunty Healani Doane spear-headed the refurbishing of Mauna Ala. I remember how upset she was over the deterioration in such a sacred place. Aunty Healani was a determined and elegant Hawaiian lady who was invincible. Entry into the committee would be based on genealogy. This Council, would give voices to not only our 'ohana, but Native Hawaiians on all islands and would ensure that the controversy of this request and BLNR decision would not be laid on the back of Kahu Maioho, brought into the sanctity of Mauna 'Ala and not go into the grave of Abigail Kawanakoa when she passes from this World.

The O'ahu Island Burial Council has the law and rules to help weigh in on this matter and give advice to the BLNR. My 'ohana and I could also give testimony to this burial council, in closed session if necessary, as could others, and they could in turn recommend to the BLNR a course of action. This would be prudent and in accordance with judicial precedent as well as the spirit and intent of the current law and rules.

23. How Petitioner's Participation in the Proceeding Would Serve the Public Interest

I pray that this request for a contested case hearing be granted which would allow the Board of Land and Natural Resources to properly identify, assess, and mitigate untoward effects on the traditional cultural landscape, including the precious resources, and on the reasonable exercise of Native Hawaiian traditional and customary rights in the area. This statutorily and constitutionally mandated assessment must occur prior to the BLNR taking formal action; otherwise such actions, in light of this notice, and the severe shortcomings of agency oversight by the State Historic Preservation Division (SHPD) in particular, could be deemed knowingly detrimental reliance upon abdicated responsibilities. The failure to consult the O'ahu Island Burial Council only shows another deficiency of this State Department charged with protecting our most sacred resources which all of the citizens deserve to understand and appreciate. There are people on all islands who wished to be informed and have an opportunity for due process by giving input into this sensitive and highly emotive issue.

24. Any Other Information That May Assist the Board in Determining Whether Petitioner Meets the Criteria to Be a Party under Section 13-1-31, HAR

My genealogy is traceable back to Umi-a-Liloa. Jane Buckle Clark was a Lady-in-Waiting to Queen Lili'uokalani and my great-grandmother.

☒ Check this box if Petitioner is submitting supporting documents with this form.

☒ Check this box if Petitioner will submit additional supporting documents after filing this form.

Lela Malina Hubbard

Petitioner or Representative (Print Name)

Lela Malina Hubbard
Signature

May 6, 2013
Date

55702

Page 1 of 2

Lela M Hubbard

From: "Lela M Hubbard" <lmhubbard@hawaiiantel.net>
To: "Lela M Hubbard" <lmhubbard@hawaiiantel.net>
Sent: Monday, June 10, 2013 12:08 PM
Subject: Fw: Additions to Contested Case Hearing on Kekau's Tomb on April 26, 2013

— Original Message —

From: Lela M Hubbard
To: William J Aila
Cc: Juanita Kawamoto
Sent: Monday, June 10, 2013 11:25 AM
Subject: Additions to Contested Case Hearing on Kekau's Tomb on April 26, 2013

I will be submitting today additional evidence on my geneology, mana'o on the true scope of a kahu of a sacred site, and information on who is interred at Mauana Ala.

The Mahele Book listing shows Leoiki's marriage to Willaim Buckle. The 1900 Census shows great-grandmother Jane Buckle Clark and my grandmother Emma Clark who married William Henry McClellan.

In Hawaiian society the chiefs, the alii, made the decisions. This is made very clear in Dampier's To the Sandwich Islands of H.M.S. Blonde which describes the rape and pillaging of the Hale O Keawe which was permitted by Kalaimoku. The kahu could do nothing to prevent the heartless destruction of one of our most sacred sites. Further, In the Ruling Chiefs of Hawaii by S.M.Kamakau the Rev Mr. Richards had railed against Capt. Buckle's kidnapping and purchase of Leoiki from her aunts, Kaahumanu could find no way to save Richards. David Malo talked to Kaahumanu's secret group who went before the rest of the chiefs to present her views. See Pages 281 to 283.

The legal definition of kahu also disparages the BLNR's interpretation. Kahu is the head man who accepted the conditions of the chief and yielded to the chief. "He would maintain the relation of an affectionate clansman, after the ancient custom" and further: "manager, superintendent, caretaker, guardian. See Nahoa Lucas's Dictionary of Hawaiian Language Land Terms. What is Bill Buckle's job description? Did he receive compensation? from whom?

I would appreciate a copy of the BLNR ruling on the hearing, and copies of what Abigail Kela...

RECEIVED
STATE PARKS DIV
JUN 26 11:47
DEPT OF LAND &
NATURAL RESOURCES

6/10/2013

Page 2 of 2

Kawananakoa submitted re her planned tomb. With her lack of direct connection to the royal blood (title assumed through Campbell's marriage to David Kawananakoa). If historical precedence and Hawaiian culture are followed no woman has ever been the holder of the throne until Kalakaua named Liliuokalani. Keopuolani and Kaahumanu ruled only temporarily while the true monarchs were under age although Kaahumanu was a very powerful person in the Kingdom as were the kahuna
Mahalo,

11.00 in Lela M. Hubbard

411

LEOIKI (w)

**Not LCA
R.P.G. 2735**

MAHELE BOOK 71-72 (76-77)

Relinquished:

1/2 Kapalai, ili no Kailua, Koolaupoko, Oahu (Signed)

Received:

1/2 Kapalai, ili no Kailua, Koolaupoko, Oahu

Claim 5375 "Not Awarded" (Numerical Index of Awards; *Indices* 1118)

NR 48.5 Feb. 3, 1848 claims 1/2 Kapalai

NT 169.10 copy of Mahele Book: 1/2 Kapalai, Koolaupoko

Claim 3272

NR 24.9 claims

Haiku, Puna, Kauai (received from Daniel Oleloa)

Kalawahine, Honolulu, Oahu

Kapalai, Kailua

NT 106.10

Kaluhi, sworn: I know her land in the ili of Kapalai, Kailua, Koolaupoko; it is kula and kalo land. She received this from Kamehameha III at the time of the division of lands in 1848 and occupied it comfortably until the time of her death, when it descended to her son William Buckle. This land was divided, 1/2 for Leoiki and 1/2 for the Government.

R.P.G. 2735 Leoiki 30.09 acres [Kapalai] Kailua, Koolaupoko (1860)

Land Court Application 677, v.4: "R.P. Grant 2735 to Leoiki,

November 10, 1860, conveys...Kapalai, Kailua, Oahu...30.09 acres, of which 3 acres is taro and 27.09 acres is kula.

NT 106.10 cont'd:

Kamanu, sworn: I know her kalo land at Kalawahine, Honolulu, Oahu. She received this land from [Kaukuna] Kahakili in 1840, and occupied it comfortably until her death in 1848, after the division of lands. It descended to her son William Buckle, who occupies it without opposition. Kaluhi, sworn: confirms Kamanu's testimony. [Nothing further found on Kalawahine piece]

FT 134.13

Kuehuchu witness to her lands in Haiku [Puna, Kauai], 2 pieces:

No. 1. 8 loi and house in ili Makaopuna

No. 2. a single loi in the ili of Lahoolo. Clt. received loi from the konohiki in the time of Kaikioewa. Poepoe confirms.

LCA 3272

(RP 1766) Kalawahine, Honolulu, Oahu 0.80 ac/1 ap.

(Aw. Bk. 10:138; *indices* 712)

(RP 3884) Haiku, Puna, Kauai 1+ac/2 ap.

(Aw. Bk. 4:806; *Indices* 185)

Claim 611

NR 298.2 Honolulu June 26, 1847:

petitions for houselot in Honolulu. It is between Wiliama Peki [William Peck and Kauka Poalamaka [Dr. Rooke]

FT 70.2

Kamakohala, witness: I have known the place since 1832, when Kuakini was governor, and have lived with claimant since. Cll. got the place from Geo. Woods. Her former husband bought it; there are 4 houses on it, 1 is mine and 3 are claimant's. Kinimaka confirms. Freehold voted 22nd Dec. NT 386.2 November 22, 1847: [after SN signs.]

Kamakohala [Kamakohala] witness: "When Kuakini came to live at the fort (1831) was the time I saw Leoliki living there where she has lived to this time and her interest [right/interest] was from G. Wood. Property is enclosed and there are four houses there. This place had been bought by Leoliki's husband named Capt. Buckle."

Kamakohala witness: I have known this place just as Kamakohala.

LCA 611

(RP 87) Fort St., Honolulu 0.24 ac/1 ap.

(Aw. Bk. 1:379; Indices 352)

Great Map between Beretania and Hotel St.

199: See Kamakohala (1961, *Rolling Chiefs* pp. 280-281) for Leoliki and Capt. Wm. Buckle

PROBATE 522 (1st CC) Leoliki, w., died March, 1848.

Will dated May 16, 1848 left her property to Uilama [William Buckle] and Kapahukupan, "the makahine to be below them" (the hooli pono nel a'u i luo mai hooli i mau hooli pono no'u...o Uilama a me Kapahukupan a o ka makahine mahalo o lano....)

Court proceedings May 15, 1848: Kalua, w., sworn, knew Leoliki...knows that Leoliki had one son as heir named Uilama, that she also had an adopted son named Kapahukupan; that she understood the property was to be divided equally between them. Leoliki designated Kapahukupan and Kalua [the "makahine" in her will] as Administrators of the will. Court confirms this appointment.

Deed Feb. 21, 1860, B 12 p 343: William Buckle (son of Leoliki) to

R.C. Wakenmann:

"I the undersigned sold all my right, etc., to Kapahala for a consideration of \$100.00."

(Signed) William Buckle and Malina, his wife.

LOE (w)

MAHLE BOOK 130-131 (136-137)

Relinquished:

Apuabehau, ahp., Kohala, Hawaii

Opea, ahp., Hilo, Hawaii

Kapahua, ahp., Puna, Hawaii

Wanapua, ahp., Kan., Hawaii

Received:

Holualoa, ahp., Kona, Hawaii

Claim 7228

NR 303.5 Honolulu February

FT 457.10 "True copy" of Mah

Signed by

LCA 7228

(RP 7289) Holualoa 4, Kona,

(Aw. Bk. 10:643; Indices

PROBATE 599 (1st CC). Loe, w.

Of measles. In Honolulu. She was

Letters of Administration petiti

by Kinimaka. Kamakohala

ponoi, true children, of Kaiana an

hansal.

The property consists of ahup

paale.

In file is a document addresser

supreme court, from the children-

asking Loe to allow them to appra

witnesses, because they are afraid

Nauhele, w., witness: Loe st

Kinimaka, and he was to have car

to go to her two children Isaac an

when Loe died; Kamakohala

of Loe's. Loe owned a land in K

belonged to her husband Kaiana.

it from the king. She had no hou

some clothes; no cash.

Kaiki, witness: Loe died of

Kinimaka in Honolulu; on the 10

will, bequeathing "my personal

Holualoa, is to go to you [Kinim

care of it, and on your death it is

Halealea, sworn: I knew Ki

--- named land from the King: it i

SPECIAL AGENT No. 100

INHABITANTS IN

HONOLULU

SCHEDULE No. 1.

District, Island of

Enumerate

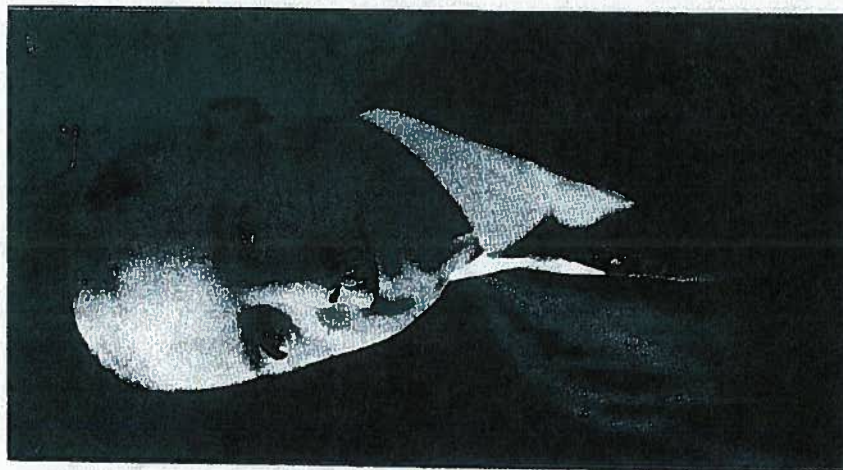
LOCATION		NAME	RELATION	PERSONAL DESCRIPTION										Place of birth of each person and whether foreign (No. if born in the United States)		
IN CITY		of each person whose place of abode on June 1, 1900, was in this family		DATE OF BIRTH		AGE		SEX		COLOR		HEIGHT				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
		Uk Tong	Parent	Male	1878	22	B								Hawaii	
		Chang & his	Head	Male	1878	22	B								Hawaii	
		His wife	Wife	Female	1878	22	B								Hawaii	
		His son	Son	Male	1898	2	B								Hawaii	
		His daughter	Daughter	Female	1898	2	B								Hawaii	
		His son	Son	Male	1898	2	B								Hawaii	
		His daughter	Daughter	Female	1898	2	B								Hawaii	
		His son	Son	Male	1898	2	B								Hawaii	
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		His daughter	Daughter	Female	1898	2	B								Hawaii	
		His son	Son	Male	1898	2	B								Hawaii	

7-300.
OF THE UNITED STATES.
HAWAIIAN ISLANDS.
No. 1.—POPULATION.

H. D. 18^{78/15} A 102
SHEET No. 36 75

OAHU. Name of Institution _____
Enumerated by me on the 21st day of June, 1900. J. C. Higgins Special Agent

NATIVITY		CITIZENSHIP			OCCUPATION, TRADE, OR PROFESSION		EDUCATION					OWNERSHIP OF ESTATE		
Place of birth of Father of this person.	Place of birth of Mother of this person.	Year of Immigration to the Hawaiian Islands.	Number of years in the Hawaiian Islands.	Married or Single.	Occupation.	Months of employment in the year.	Attended school (in months).	Can read.	Can write.	Can speak English.	Can speak Hawaiian.	Owned land or other property in 1900.	Owned land or other property in 1901.	
14	15	16	17	18	19	20	21	22	23	24	25	26	27	28
China	China				Cook	0		yes	yes	no	no			
China	China	1894	6					yes	yes	no	no			
Hawaiian I. I.	China													
China	China				Office Clerk	0		yes	yes	yes	no			
Hawaiian I. I.	Hawaiian I. I.							yes	yes	yes	yes			
Hawaiian I. I.	Hawaiian I. I.							yes	yes	yes	yes			
Hawaiian I. I.	Hawaiian I. I.				at school			yes	yes	yes	yes			
Hawaiian I. I.	Hawaiian I. I.				at school			yes	yes	yes	yes			
China	China	1891	9	al	Housekeeper	0		yes	yes	yes	yes			
China	China	1895	5					yes	yes	yes	yes			
China	China	1896	4	al	Cook	0		yes	yes	yes	yes			
Hawaiian I. I.	Hawaiian I. I.	1890	10					yes	yes	yes	yes			
Hawaiian I. I.	Hawaiian I. I.							yes	yes	yes	yes			
Hawaiian I. I.	Hawaiian I. I.	1899	1	al	Cook	0		yes	yes	yes	yes			
Hawaiian I. I.	Hawaiian I. I.							yes	yes	yes	yes			
Hawaiian I. I.	Hawaiian I. I.							yes	yes	yes	yes			
Hawaiian I. I.	Hawaiian I. I.							yes	yes	yes	yes			
Hawaiian I. I.	Hawaiian I. I.				at school	6		yes	yes	yes	yes			
Hawaiian I. I.	Hawaiian I. I.				at school	6		yes	yes	yes	yes			
Hawaiian I. I.	Hawaiian I. I.				at school	6		yes	yes	yes	yes			
Hawaiian I. I.	Hawaiian I. I.				at school	6		yes	yes	yes	yes			
Hawaiian I. I.	Hawaiian I. I.							yes	yes	yes	yes			
Hawaiian I. I.	Hawaiian I. I.							yes	yes	yes	yes			
Hawaiian I. I.	Hawaiian I. I.	1899	1	al	Mechanic	6		yes	yes	yes	yes			
Hawaiian I. I.	Hawaiian I. I.							yes	yes	yes	yes			
Hawaiian I. I.	Hawaiian I. I.							yes	yes	yes	yes			



CHARLES J. MCCARTHY.

Jan. 16, 1889. They have five daughters, Ellen, Louise, Pearl, Virginia and Margaret. Mr. McCarthy is a member of the Pan-Pacific Union, a Knight of Pythias, Elks, Eagle and a member of the Oahu Country, Myrtle Boat and Ad Clubs.

SAMUEL MCCLAY BUSINESS MAN

Samuel McClay, secretary and assistant manager of the Bergstrom Music Co. Ltd., has had his station since 1911, when the firm was incorporated. Born in Scotland, he came to the United States when a child and until moving to Hawaii in 1900 was affiliated with various firms on the mainland. Entering business life in 1901, he was employed for five years by the Hanover National Bank in New York City, advancing from office boy to bookkeeper.

Going to Los Angeles in 1905, Mr. McClay was engaged as a bookkeeper with Cunningham, Curtis & Welch for one year, from 1906 to 1907 he worked for the Southern Pacific Railroad Co. at Sacramento in a similar capacity and during the fourteen years following he was affiliated with Miller's Music House and Kohler & Chase in San Francisco. Born in Paisley, Scotland, Oct. 25, 1884, Mr. McClay is the son of John and Margaret (Stevenson) McClay. He received his education in the schools of New Jersey. Mr. McClay and Elizabeth Anderson were married in San Francisco, April 10, 1910. They have one daughter, Emily Stevenson McClay. Mr. McClay is a Mason and a member of the Honolulu Chamber of Commerce.

WILLIAM HENRY MCCLELLAN BUSINESS EXECUTIVE

William H. McClellan, with the Honolulu Iron Works for more than a quarter of a century, is manager of the corporation's plumbing supply department, and in a long public career has served Honolulu on the Board of Supervisors continuously since 1903 with the exception of one term, 1915-16. During his incumbency he assisted in the framing of the Plumbing Code, the first sanitary regulations for the city of Honolulu. He was a member of the territorial Board of Harbor Commissioners from 1918 to 1922.

Joining the Honolulu Iron Works in 1899, Mr. McClellan held the positions of audit clerk and salesman, and in 1900, when a sewer system was installed in Honolulu and the company established a plumbing supply department to meet the requirements of local trade, he was placed in charge of it and developed it into an extensive business.

Before coming to Honolulu he was employed for 11 years by the firm of Denham, Carrigan & Hayden in San Francisco, where he began as an elevator boy when 15 years old.

Born in San Francisco, Nov. 29, 1870, Mr. McClellan is the son of John and Katherine (Conroy) McClellan. His education was obtained in the San Francisco public schools. In 1919 he married E. M. Clark of Honolulu and they have nine children, John, Emma, Fred, George E., Lucius Pinkham, Thelma, William, Mary and James McClellan.

Mr. McClellan is a past exalted ruler of Honolulu Lodge No. 618, E. P. O. E., and is a member of the Owls.

DANIEL FREDERICK MCCORRISTON DEPARTMENT MANAGER

Beginning at the age of 18 with M. S. Grisham & Co. Ltd., a wholesale dry goods concern, and since then Daniel F. McCorrison has been

TO THE SANDWICH ISLANDS ON H.M.S. BLONDE

ROBERT DAMPIER

edited by
PAULINE KING JOERGER

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For Friends of the Library of Hawaii
HONOLULU 1971

men fell in this fray, a far larger proportion than what is mentioned in Vancouver's voyage. We were then shown the Morai, which is now partially pulled down, where Cook's body was cut up & burned: many of the bones were carefully preserved, & considered by the natives as the most sacred relics. The burning of the body was an accustomed funeral rite paid to the highest deceased chiefs.

With the death of Cook, vanished the hostility of the islanders, & Nahi assured us that they regretted exceedingly what they had done. They even now look upon this event as a sort of national stigma upon their character & generally endeavour to evade all conversation relating to it.

On the next day the Governor John Adams or Coquini [Kuatini], came on board to breakfast. This man is about six feet four inches high, & weighs 28 stone [392 pounds], and is certainly in every sense of the word one of the greatest rogues that the island produces.

On the second morning after our arrival, a party was formed to visit a celebrated Morai, still existing in the neighbourhood, & the only building of the sort which has not been ransacked & despoiled. Indeed, so sacred has this Morai been held in the estimation of the natives, that no white man before our arrival had even by his presence profaned its threshold.

About a dozen of us accompanied John Adams & Nahi, who had been commanded by Karimoku to allow Lord Byron & any he might choose to bring with him, free admittance to this pagan sanctuary.

After rowing round one of the points forming the bay of Karakaloa, the Morai suddenly opened upon our view: it was very prettily situated on the banks of a winding creek, & in the neighbourhood of a grove of coconut trees.

The exterior appearance of the building itself, was precisely like the large huts of the superior chiefs. This was encircled by a strong Palisade of trunks of coconut trees.

The fence formed a sort of court yard round the Morai. Here in all directions were planted rude looking carved wooden images, of all shapes & dimensions, whose misshapen forms & hideous countenances, exhibited a most grotesque spectacle. The Sandwich Gods, like most of the Deities revered by barbarous nations, are remarkable for their

LAALUA BAY

"(1) Niged to anchor very near the shore"

extreme ugliness & disproportion, the head being invariably four or five times as large as the rest of the body. Almost all the figures exhibited the same attitude; one however, I remarked tolerably well cut out, bearing a child in its arms. Added to these Deities were several long poles, on the tops of which were also carved small figures. Immediately before the Morai outside of the Palisade, a solitary Deity presided, acting I suppose as a sort of centinel.

We now passed thro a low aperture into the interior. Here a spectacle extremely astonishing, presented itself to us.

On one side were arranged a great number of feathered Idols, protruding their misshapen heads thro' numberless folds of decayed Tapa.

Under these were deposited the bones of mighty kings & potent warriors, Sandwich heroes of other days, who once revered & worshipped these grim looking Idols as their Penates. Here were also carefully preserved the different weapons, used in warfare by these mighty chieftains, as also various articles of their dress, together with an infinite collection of antiquated rubbish, the superstitious offerings of these infatuated islanders.

An old Priest, the Guardian of these relics, still looked upon each of these grim looking Deities with the utmost veneration; when therefore it was made known to him that Lord Byron had procured Pitts consent to possess himself with the persons of as many Gods as he desired, the old man indignation at this sacrilegious rape became very apparent. He was obliged, however to submit. I had begun to sketch the inside of the Morai, having already finish'd one of its exterior appearance, when the rapacious inclinations of our party, suddenly began to manifest themselves. I threw aside my pencil, & regardless of the divine punishment attending such shameless sacrilege, took ample share in the depopulation of this ancient sanctuary.

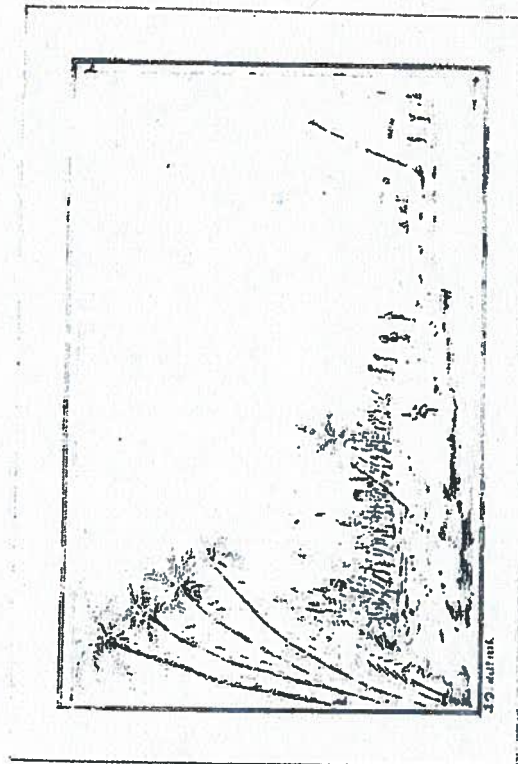
Two frowning Gods, about twelve feet high, stood exactly opposite the door: at the feet of these the natives were accustomed to lay their offerings; these were quickly plucked up by the roots, & sent down as prizes to our boats.

I succeeded in appropriating to myself, a beautiful spear, (probably the mighty Pelian lance of a second Sandwich Achilles) a couple of

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KEALAKEKUA

"Where Cook fired his Observatory, the walls . . . are still standing."



Gods, & a few other curious articles within my reach, & as all the other visitants were equally piously inclined, nothing worth having remained, with the exception of the range of feathered Idols, to which were attached the royal bones. These, the old Priest determined to rescue from the general devastation, & resolutely refused to allow such sacred relics, to pass his threshold. Having thus gratified our curiosity, we returned on board, laden with the spoils of our heathen temple.

We remained at Karakakooa, four days, a space of time quite sufficient to explore everything of note, in its vicinity. As the scene of Capt. Cook's past exploits & death, it was a place to us all peculiarly interesting. To the memory of this zealous & ill fated officer Lord Byron determined to erect a sort of monument.

Having by chance a tolerable engraver on copper on board the following inscription

SACRED TO THE MEMORY OF CAPT. JAS. COOK, R.N. (WHO DISCOVER'D THESE ISLANDS IN THE YEAR OF OUR LORD 1778, THIS HUMBLE MONUMENT IS ERECTED BY HIS COUNTRYMEN IN THE YEAR OF OUR LORD 1825.)

was cut out upon a piece of this metal, which being firmly let into a block of wood about ten inches long was affixed to another piece forming a cross about ten feet high. This monument, the only thing of the kind within range of our ability to execute during our short stay, was placed on a hill in the centre of the ruins of the Mori, the spot upon which Cook's body was cut up & burned. It may distinctly be seen by vessels when entering the harbour.

It appears astonishing that Cook should have remained so long in the harbour of Karakakooa, without attempting to explore the neighbouring islands in search of a better anchorage.

Its appearance is most sterile & uninviting & water is not to be procured except by sending five miles into the interior for it: added to this, such vast chains of lava are dispersed thro' the district that ground for cultivation is so scarce, as frequently to produce severe famine in the neighbourhood.

I saw very few good looking natives. Our treatment from Nahi, was more cordial than any thing we had previously met with. He loaded us with curiosities, provisions we had no need of, & seemed much concerned when the moment of departure arrived. The unwieldy pudding headed John Adams, was the exact reverse: on the morning of our departure, he actually came on board, bringing tippets, & other curiosities, for which he demanded a most exorbitant price.

We felt so indignant at his mercenary views, (accustomed so long to receive Gifts, from the hands of these people,) that we soon handed our fat friend over the side, somewhat to his mortification and disappointment.

At midnight on Sunday, the 18th we bade adieu to the Sandwich Islands, & our determination was then to proceed direct to the Society Isles. We had originally supposed that our stay with our Sandwich friends, would have been of much greater duration: fortunately, circumstances were so happily combined, as to reduce this time to a month less than we had expected.

We arrived amongst these tawny islanders at a most auspicious moment: by our weight & remonstrances, we thoroughly succeeded in establishing, & strengthening the young King on his throne. Pitt was restored to good health, & the nation, by the skill of our Surgeon, & Lord Byron by his condescension & proper management acquired the entire goodwill & friendship of the natives, who on all occasions were exceedingly accommodating, & loaded our ship with supplies of every description. Mr. Malden, soon accomplished his task in the surveying department, which was another motive for abridging our stay.

Certainly no ship will hereafter visit these Islands, under such advantageous circumstances as the *Blonde*, & in taking a retrospective view of their attentions to us during our stay amongst them, I think as a nation they have exceeded in gratitude, goodwill, & liberality, our most sanguine expectations.

HALE O KRAWA
"A celebrated Mori"

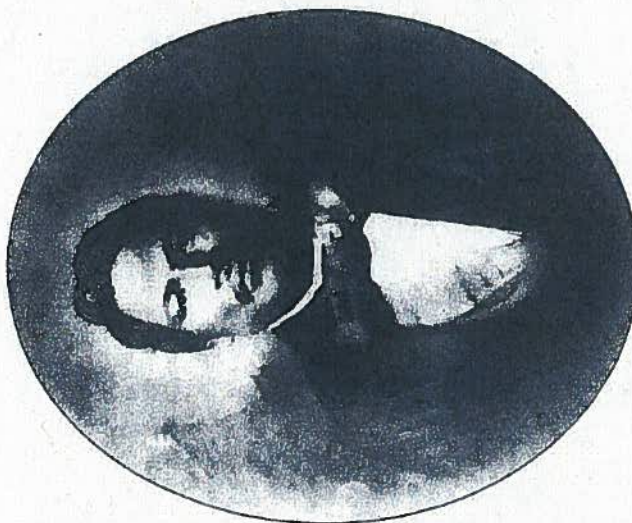
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◁ KA'AWALOA
"The rock on which Cook... received the fatal blow"

SAMUEL M. KAMAKAU

Ruling Chiefs of Hawaii

(Revised Edition)

KAMEHAMEHA SCHOOLS PRESS • HONOLULU



Samuel Mānialekani Kāmaka (1815-1876). Crayon portrait by unknown artist.
Courtesy of Bishop Museum

Somebody had this excitement died down when Ka-'ahu-mann's stepson, Ka-'i'i-ehonui, on Maui, ran away with that mischievous girl Ke-kau-'ono, but angry as Ka-'ahu-mann was she said nothing to this match because of the affair with Kina'u. It was not until Kina'u became pregnant with her first child that Ka-'ahu-mann became reconciled to what had taken place. At his birth she herself took charge of the infant, who was named David Kamehameha. A second grandchild whom she had charge of at this time was Ruth Ke-'e-i-ehonui.

After the king's return from Waialua, Boki set the whole district of 'Ewa, headed by Kane-pa-kei, hauling posts and rafters for a new king's house, afterwards called "The-fern-house" (Ka-hale-ehine) because it was first covered from the top of the roof to the posts with *slale ferns* tied down neatly inside, and then thatched outside with grass.* About the time that the king went to live in this house, a Russian warship bearing a kind letter from Alexander of Russia arrived in the harbor and anchored in line with the warship Kamehameha. . . . In this year Lahaina was fired upon by a British warship commanded by Captain Clark, and the breadfruit trees were withered by the shots; the people retreated into the valleys of Kama'ehu, Kanahe, and Kahona. . . . In the same year there came up to John Jones's wharf a British vessel commanded by a captain blind in one eye. He brought as a great curiosity two human heads belonging to two Maori chiefs, which had been cut off during the war being carried on at that time between the British and the New Zealanders. [These heads had been] preserved in alcohol in such a way as to show their handsome features, dark tattoo prints on the cheeks, and fine long hair.

In this same year the Rev. William Richards was brought to Honolulu to be tried on complaint of Captain Buckle, commander of a British whaler, the same man who had commanded the ship that took Liholiho and his company to England. Captain Buckle had on former occasions found the nation living in ignorance. The sailors used to pay for women with a piece of cloth, a small mirror, or a pair of shears, beads, a small piece of steel, a plug of tobacco, or a small coin; and for these things the women paid in venereal diseases which left them with red sores. At the time when Mr. Richards came to live in Lahaina the pious chiefs Ke-opu-o-hani died, but Hono-pili and his wife and other prominent chiefs and commanders had become converted and looked upon Mr. Richards as a father. When he taught them that it was wrong and against the will of God to thus prostitute themselves they listened to him and made laws against these practices for the protection of the island. The whaler-ships

* Ka Hapeha Ke'ohu's, Nov. 13, 1809.

came in [at Lahaina] and found that they could no longer have women, and the captains began to abuse the missionaries. In 1826 Captain Buckle's ship arrived and when he heard of the prohibition he said, "It is a missionary law and a missionary tabu," but when he tried to test it out and allowed the men shore leave, they found that it was indeed a fact. The men therefore resolved to wait until dark and then go and tear down the houses and beat up Mr. Richards, but the chiefs and people guarded him night and day. When Mr. Richards wrote Captain Buckle complaining of this abuse and requesting him to prevent it, Captain Buckle replied that if he would give women to his men there would be peace in Lahaina. To this Mr. Richards would not consent, and Captain Buckle was compelled to purchase outright a woman named Leo-iki, whom he took with him to Oahu.

In October, 1827, Captain Buckle received a letter from a brother in England who wrote, "A story has appeared in the papers here telling of your improper action toward Mr. Richards and how you purchased a woman of Maui with gold money." Unable to cover his shame, Captain Buckle tried to ruin Mr. Richards and made charges against him to the British consul in Honolulu, Mr. Richard Charlton, accusing Richards of libel. Mr. Charlton joined him in the charges. What was the attitude of the American consul? This same Jones had many times more than four wives, yet he walked the street with his silk top hat set on the side. He was known to be against the missionaries, and some of the foreign merchants and the deputy American consul, Mr. Stephen Reynolds (Lans), the white-haired American, were with him in this opposition. Mr. Charlton made complaint to Boki, Ka-hale-mohi's successor, and Boki, who was the king's premier, and Munnia, who was in charge of the fort on Oahu, took the part of the consul. Boki had questioned John Young as to Mr. Richards' guilt and Young had shaken his head and mumbled, "England is very big to offend; a libelous letter is very wrong." Boki therefore informed Ka-'ahu-mann and the king of Young's answer and they too and the chiefs decided that Richards must be in the wrong. The chiefs therefore wrote to Maui, "You chiefs of Maui, greetings to you. If Captain Buckle, Captain Clark, and the British consul come to get your teacher let them have him. It is a foreigner against a foreigner; let them have it out between them." The chiefs of Oahu were willing to place Mr. Richards in the jaws of the shark.*

Ka-'ahu-mann was like a mother to the people of that community, and the missionaries and their teaching were like her beloved children. Her heart was grieved over the charges made against one she loved, and

* Ka Hapeha Ke'ohu's, May 30, 1828.

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her tears fell. Nor was she pleased to have her enemies act according to their own will. She therefore wrote to the chiefs of Maui, Hawaii, and Kauai to come together in Honolulu, and some of the church people also accompanied Mr. Richards. A council of chiefs was held at the king's house at Pelekeia above the house of Ka-hui-moku to decide whether Mr. Richards was guilty or not. They were ignorant of the English law in the matter. They knew that when a man committed murder he forfeited his life. If Mr. Richards were now to die for this crime it was a pity. For two days they deliberated but could find no way to save Mr. Richards from being put to death, since both John Young and Boki had pronounced against him. The government had at that time no constitution ensuring a legal trial with witnesses presented on both sides to decide such a question, hence their uncertainty.

At noon of the day following David Malo and Ka-na'ina (father of King Lunalilo) met Ka-'ahu-mann, Ho-e-pili, and Ka-hu-ohi in secret in one of the rooms of the Council House, which they entered by a private entrance. Ka-'ahu-mann addressed David Malo while her tears flowed, saying, "Alas! I see no way to save our teacher. Young and Boki both say he is guilty of writing to America." Malo replied, "Is that what he is accused of?" "Yes." "How these foreigners contradict themselves! [Malu exclaimed] They say it is wrong to worship God, but all right to learn writing, and now they say it is all wrong for Mr. Richards to write a letter." Again Malo asked, "Suppose you had a spoon stolen and some one should inform you who had stolen it, who would be to blame, the one who stole the spoon or the one who told you who was the thief?" "The one who stole it." "You were Kamehameha's wife and Ka-'ahu-mann forced you to sleep with him. Lulehuke informed Kamehameha. Now, I ask, which of the two did Kamehameha execute? Was it Lulehuke?" "It was Ka-'ahu-mann." "Is there any country in the world where the wrongdoer is commended and the informant against him pronounced guilty?" "Nowhere!" Light was fast beginning to break in upon the chief's mind. Malo continued, "Why should Mr. Richards be convicted and Captain Buckle who committed wrong go free?" "It is plain to me that Mr. Richards is in the right and we have been very ignorant," Ka-'ahu-mann replied. She then went before the chiefs and presented her views.

The next day the king, Boki, Manuia, Ka-hu-ono'o, the British consul, and Captain Buckle presented themselves all dressed in gold-trimmed uniforms. When Manuia urged Mr. Richards' imprisonment within the fort, and Boki and the consul also urged this upon the Council, Ka-'ahu-mann spoke up and said, "The chiefs have consulted about the charge against Mr. Richards, who has been brought to trial by the British consul because of an alleged wrong, committed against a British subject within

THE CAREER OF BOKI

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the kingdom of Hawaii. This is our decision: Mr. Richards is not guilty of the charge made; he is innocent and we release him."¹⁴

The queen by this decision made enemies for herself of the consul and the foreign merchants and of Boki and Manuia of her own people. Manuia and the consul went out shaking their heads and waving their swords in the air, and the captains retired crestfallen. The two captains who had fired on Lahaina became Ka-'ahu-mann's worst enemies. The consul beat up one of her keepers who had chased away the consul's cattle which remained at large all the way to Pawa'a and were eating Ka-'ahu-mann's plantings at Kapaka'ona'ona's in Maunaloa. This man, Kane-kahine, was roped about the neck by the consul and dragged behind his carriage, tossed up and down all along the plain, his chin and ribs broken, and was only saved from being killed by getting his hand inside the noose. Englishmen are certainly oppressive to the weak! It was no the missionaries alone who suffered but the Hawaiians much more. . . . I have seen with my own eyes the heads of the New Zealand chiefs dropped into the sea at the wharf near Kapapala. In Mr. John Jones store Mr. George Wood, the husband of Ka-mannu, threw the water in which those heads had been washed at the people who came to look at the chiefs' heads. A very cruel act!

On March 30, 1828, a three-masted ship anchored in the harbor bringing a second reinforcement of missionaries together with some Hawaiians who had been educated through the kindness of the American people. The missionaries included the Rev. E. W. Clark (Kakala), the Rev. P. J. Gulick (Kuilas), the Rev. Jonathan S. Green (Kerimo), the Rev. Lorrin Andrews (Aneru), Mr. Gerrit P. Judd (Kauka), a physician, Mr. Shepherd (Kupaki), a printer, their wives, and a single woman, Miss Maria Ogden. There were others who later went as missionaries to the Rocky Mountains in Oregon. The Hawaiians were John Pahi, Hila, Ka-'a-lu-lua, 'Ohalu-noon, and Ka-lima-lua.† Some of these assisted the missionaries and others lived like any of the people. John Pahi became a favorite with Boki and married the daughter of George Holmes and Mrs. Pale.

A few months later the king, accompanied by his chiefs, Boki among them, the Hultmann, and sailors, went to Hawaii on his warship *Kamehameha*, attended by other vessels, for his first visit to that island since leaving it for Honolulu. At Lahaina they were well feasted and met Nahi-'ena'ena, Ka-hu-ono'ohi, Ho-e-pili, Ka-hakili, Ka-hu-lua, and all the other chiefs of that place. Here they witnessed a tragic occurrence; a man out surf riding at 'Uo was killed by a shark which bit off

¹⁴ This story is by Middle 10, pp. 197-198, and Barry 27, pp. 217-225. I ka Mulepa Kamehameha, June 6, 1888.

**A
Dictionary
of
Hawaiian Legal Land-Terms**

compiled and edited by
Paul F. Nahoa Lucas

Published by
Native Hawaiian Legal Corporation
University of Hawai'i Committee for the
Preservation and Study of Hawaiian
Language, Art and Culture

4. The sea coast (SMK). 5. Coast (HRH).
6. Beach, seashore, seacoast, seaside, strand
(PE). 7. The seashore; the region of country
bordering the sea (AP).

kaha kaupale (kaha kaupale). Boundary
(PE).

kaha one (kaha one). Sandy beach (SMK)
(PE).

kahawai (kahawai). 1. "The word
'kahawai' means not only the flowing
stream but also the bed or channel of the
stream including the portion of such
channel covered only in times of high water
or of freshets." *Waiuku Sugar Co. v*
Hawaiian Commercial and Sugar Co., 13
Haw. 583, 585 (1901). 2. "The word
'kahawai,' although it may etymologically
mean 'water-mark' and may be used to
denote a dry gulch in which there was
formerly a stream, undoubtedly was used
here in the sense of 'stream.'" *Waiuku*
Sugar Co. v Hawaiian Commercial and
Sugar Co., 13 Haw. 583, 587 (1901).
(Frear, C.J., dissenting.) 3. Stream; ravine
(wet or dry); streambed. 4. Area where
water flows continuously (SAM). 5. A
natural watercourse (DM). 6. Brook
(HRH). 7. Any deep place lying length-
wise (SAM) (DM). 8. A brook; a stream;
a ravine, wet or dry (T). 9. Stream, creek,
river, valley, ravine, gulch, whether wet or
dry (PE). 10. A brook; a rivulet; a water
course; any small stream; a ravine, wet or
dry; any channel formed by water or
through which water flows (AP). Also,
awaawa and *kololo* (SMK).

kahaka (kahaka). Natural basin or shal-
low place on hard pan or rock; artificial
basin or shallow pond where salt is evapor-
ated from the salt water of the sea (AP).

kahenawai (kahenawai). Flowing of
water; a brook; running water (AP).

kahi (kahi). 1. Place (contraction of "ka-
wahi"). *Hoppsden v Wahineana*, 10 Haw.
10, 13 (1895). 2. Land. *Kaleihana v*
Keehipaka, 23 Haw. 169, 170 (1916). 3.
Approximately, about (PE). 4. Place
location (PE). 5. A place (AP).

kahi e kono ai (kahi e kono ai). Ingress
entrance (HRH).

kahi hoo-kahi (kahi ho'okahi). The same
place or area.

kahi ka-wale (kahi ka'awale). 1. Un-
occupied parts (of land). 2. Empty space
or place, secluded or isolated place (PE).

kahi mau (kahi mau). Shady or protec-
ed place.

kahouua (kahouua). The side or bank of
a water-course; the bank or footing on the
border of a stream (AP).

kahu (kahu). 1. "As the head man, he
enjoyed the control of tenants who must
work at his direction in labors of which he
enjoyed a part of the result. While the
yield of the land was only what may be
called domestic produce, such as poi, pig,
poultry and fish from its ponds or sea-
from the head man would partake of the
liberally for his own use, without account.
It was a superior position to that of the
kama who labored on the land. Such
tenant of the land accepted the
conditions of yielding to his chief, as :
'auhu ku i ka wa,' as much of the
products as he pleased to take, and of the
chief's residence on the land, with the
burden of entertaining him, for as long
he pleased, and still considered that he had
been promoted to a desirable position
life. He would maintain the relation of :
affectionate clansman, after the ancient
Hawaiian custom, by rendering service
which was reciprocated by his occupancy

the land as the manager of it. *Kaialakani v. Lanihale*, 4 Haw. 263, 267 (1880). 2. Superintendent or caretaker. *Kaialakani v. Lanihale*, 4 Haw. 263, 264 (1880). 3. Companion servant. *Ayler v. Keaweamahele*, 8 Haw. 320, 326 (1891). 4. Trustee. *Kaialakani Estate v. Thurston*, 17 Haw. 312, 315 (1906). 5. Guardian. *Kaialakani Estate v. Thurston*, 17 Haw. 346, 352 (1906). Hartwell, J., concurring. 6. Guardian or caretaker (PE). 7. An honored or upper servant; a keeper; a provider; a guardian or nurse for children (AP).

kahua (kahua). 1. Prepared foundation of a house or an open space (HE). 2. The prepared foundation of a house, that is, the ground cleared off and leveled down on which to set up a building; a place (AP). 3. Foundation, base, site, location, grounds, platform, as of a house (PE). 4. Bed, as of a stream (PE). 5. Area less in size than an *ʻāina* (DM). Also, *ʻāina* (SAM).

kahua hale (kahua hale). 1. House-plot, house foundation or site (PE). 2. The foundation of a house; a town; a village; a cluster of houses (AP).

kahua i kōkūlūa no ke alahaka (kahua i kōkūlūa no ke alahaka). Abutment (ERH).

kahua kula (kahua kula). School site.

kahu hānai (kahu hānai). Guardian that cares, raises and feeds an individual entrusted to him or her.

kahu mālama (kahu mālama). 1. Custodian; caretaker (PE). 2. Guardian; guardianship.

kahu mālama waiwai (kahu mālama waiwai). Agent or trustee of real and/or personal property. *Kakaha v. Iaea*, 6 Haw. 115, 116 (1886).

kahu o ke kino (kahu o ke kino). Personal guardian.

kahu waiwai (kahu waiwai). Trustee, executor, custodian of wealth or property (PE).

kalaʻulu (kalaʻulu). A flat elevation on a mountain trail used as a resting spot (AP).

kahuwai (kahuwai). 1. One who has the charge or oversight of the division of water (AP). 2. Water superintendent.

kai (kai). 1. Sea or salt water. The sea; sea water; a flood (AP). 2. Sea, sea water; area near the sea, seaside, lowlands (PE).

kai hāloko (kai hāloko). 1. Sea that extends inland and is almost surrounded by land (SMK). 2. Sea almost surrounded by land (PE).

kai hi (kai hi). 1. Area where sea flows into a *lōko kai* (SMK). 2. Flowing sea, especially one that goes through a sluice gate into fish ponds (PE).

kai hi aku (kai hi aku). Sea area for trolling for aku.

kai hooʻu (kai hoʻouʻu). See, *kai paʻakai* (SMK).

kaiha (kaiha). 1. A cultivated piece of ground; on wet land the word designates the borders of taro patches (AP). 2. Cultivated patch; bank of a taro patch (PE). Also, *kūhuna* and *mahinaʻai* (ESH).

kaiaina (kaiaina). 1. The younger of two or more persons of like sex and parentage (AP). 2. Younger sibling or cousin of the same sex of the junior line, whether older or younger (PE).

housed the royal caskets. King Kamehameha IV was the first to be entombed there, and that same night the coffin of the little prince was brought to lie beside his father. Out of respect to Queen Emma, building of the three other wings which formed a cross was delayed a year. When the building was completed, eighteen coffins of kings and chiefs were taken from the royal burial site on the Palace Grounds to the mausoleum in the dead of night, according to the Hawaiian custom.

Two years later Bernice Pauahi Bishop died, and her husband built a separate underground vault for the Kamehameha dynasty. Again the caskets were transferred during the night-long ceremony. In 1910 the legislature appropriated money for the Kalakaua tomb, and the family caskets were removed midat chants and singing during the night.

Queen Liliuokalani suggested converting the empty mausoleum into a house of prayer, and this was finally accomplished in 1922. The beauty of the interior lies in the outstanding *koa* panelling and altar and the black kahilis and tabu sticks which stand as sentinels. There are pews on three sides and the chancel marks the east wing.

To the rear of the chapel is the grave of John Young, advisor to Kamehameha I.

The tomb of the Kamehamehas contains all the line except, of course, the remains of Kamehameha I. Charles Reed Bishop, widower of Princess Pauahi, died in 1915 and was the last of twenty-four to be buried there; the tomb was then permanently sealed.

A separate headstone adjoins the Kamehameha tomb and commemorates the memory of that great philanthropist and businessman, Charles R. Bishop.

Friends of the Kamehamehas built a vault to house the remains of nine people who were either related or closely connected to the Kamehamehas. It was named for Robert C. Wyllie, minister of foreign affairs, and a man who wielded great influence in Hawaiian history.

The underground tomb of the Kalakaua line in the

form of a Greek cross is marked by a twenty-three foot marble shaft. The west arm contains a flight of nineteen steps which descend to the entrance, and the other three wings have space for twenty crypts.

Sunlight filtering down through the cement walls spotlights the white marble of the east wing where King Kalakaua and Queen Kapiolani lie. Two busts of the King, one in his navy uniform and the other in a feather cape, stand in front of the crypt and opposite two black kahilis. On either side lie members of their families including Queen Liliuokalani and her husband, John Owen Dominis, and Princess Kaiulani and her parents.

David Kalakaua Kawanakoa, affectionately known as "Koko" and the last male of the line, was buried there in 1953, as were his father and mother before him. He was a heavy set man, and his pall bearers showed the great strain of carrying the weighty bronze casket down the steps and placing it in the vault. His funeral marked the end of an era, and every Hawaiian organization was represented in full regalia to honor their *alii*.

His mother, Princess Abigail Kawanakoa, unofficially reigned as *alii* to the Hawaiian people and guarded their rights and welfare. Widowed at an early age, she was a woman of great charm and beauty and admired for her brilliant mind and sharp wit in the Islands as well as Washington, D.C. Her large home lent itself to magnificent Hawaiian banquets. She personally chose the Hawaiian entertainers for authenticity, quality and beauty. According to Hawaiian legend, a school of red fish entering Honolulu harbor predicts the death of an *alii*, and so it was the day she and President Roosevelt died in 1923, 1945!

Leaving this hallowed ground with its poignant royal history can mean a difficult transition back to reality and the outside world.

Foster Gardens

Just a few blocks from the center of downtown Honolulu and adjoining a busy freeway, Foster Gardens is a

the Royal "maison" where Hawaiian sovereigns and high chiefs die buried.

R
H 9969
y

*Maile Yardley
Hawaii Times and Times
The Ecology Press
Hawaii, Hawaii
1975*

DLNR Admin Proceedings Office

3rd Amendment to Contested Case Hearing 4-26-13

Lela Malina Hubbard of Na Koa Ikaika

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Pages 280-283 of Samuel M. Kamakau, Ruling Chiefs of Hawaii, Rev Ed, Kamehameha Schools Press, 1961, tells the story of Leoliki, Capt. Buckle and Rev. William Richards. Boki and Manula wrote that the Maui chiefs should let the British Consul have Richards. However, Kaahumanu called the chiefs of Maui, Hawaii and Kauai to a council of chiefs in Honolulu where David Malo pointed out that Richards was innocent. Again a council of high ranking chiefs made critical decisions.

In the Journal of William Ellis by William Ellis, Charles E. Tuttle Company of Rutland, Vermont, 1979, Page 308, again shows that decisions of the king were made by consultation with the chiefs.

Consultation on matters of import occurs amongst the chiefs, the highest ranking alii. This is imbedded in our Hawaiian psyche and has carried down to modern times. To create regulations for Mauna Ala we should have a council of fifteen of the highest ranking alii gathered from all islands to make decisions.

The Office of Hawaiian Affairs would facilitate the council and the Oahu Burial Council.

Lela Malina Hubbard

99-407 Aiea Hgts. Drive

Aiea, Hawaii

June 18, 2013

30 RULING CHIEFS OF HAWAII

Scarcely had this excitement died down when Ka'ahu-manu's stepson Ce-l'i'-abouai, on Maui, ran away with that mischievous girl Ke-kau-onchi, but angry as Ka'ahu-manu was she said nothing to this match because of the affair with Kina'u. It was not until Kina'u became pregnant with her first child that Ka'ahu-manu became reconciled to what had taken place. At his birth she herself took charge of the infant, who was named David Kamehameha. A second grandchild whom she had charge of at this time was Ruth Ke'eli-olani.

After the king's return from Waialua, Boki set the whole district of 'Ewa, headed by Kane-pe-iki, hauling posts and rafters for a new king's house, afterwards called "The-fern-house" (Ka-hale-ehue) because it was first covered from the top of the roof to the posts with whale ferns tied down neatly inside, and then thatched outside with grass.* About the time that the king went to live in this house, a Russian warship bearing a kind letter from Alexander of Russia arrived in the harbor and anchored in line with the warship Kamehameha. . . . In this year Lahaina was fired upon by a British warship commanded by Captain Clark, and the breadfruit trees were withered by the shots; the people retreated into the valleys of Kaula, Maui, and Kahoolawe. . . . In the same year there came up to John Jones's wharf a British vessel commanded by a captain blind in one eye. He brought as a great curiosity two human heads belonging to two Maori chiefs, which had been cut off during the war being carried on at that time between the British and the New Zealanders. [These heads had been] preserved in alcohol in such a way as to show their handsome features, dark tattoo prints on the cheeks, and fine long hair.

In this same year the Rev. William Richards was brought to Honolulu to be tried on complaint of Captain Buckle, commander of a British whaler, the same man who had commanded the ship that took Lihouho and his company to England. Captain Buckle had on former occasions found the nation living in ignorance. The sailors used to pay for women with a piece of cloth, a small mirror, or a pair of shears, beads, a small piece of steel, a plug of tobacco, or a small coin; and for these things the women paid in venereal diseases which left them with red scalps. At the time when Mr. Richards came to live in Lahaina the pious chiefs Kope-o-lani died, but Hoo-pili and his wife and other prominent chiefs and commoners had become converted and looked upon Mr. Richards as a father. When he taught them that it was wrong and against the will of God to thus prostitute themselves they listened to him and made laws against these practices for the protection of the island. The whalerships

THE CAREER OF BOKI

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came in [at Lahaina] and found that they could no longer have women, and the captains began to abuse the missionaries. In 1826 Captain Buckle's ship arrived and when he heard of the prohibition he said, "It is a missionary law and a missionary tabu," but when he tried to test it out and allowed the men shore leave, they found that it was indeed a fact. The men therefore resolved to wait until dark and then go and tear down the house and beat up Mr. Richards, but the chiefs and people guarded him night and day. When Mr. Richards wrote Captain Buckle complaining of this abuse and requesting him to prevent it, Captain Buckle replied that if he would give women to his men there would be peace in Lahaina. To this Mr. Richards would not consent, and Captain Buckle was compelled to purchase outright a woman named Loo-iki, whom he took with him to Oahu.

In October, 1827, Captain Buckle received a letter from a brother in England who wrote, "A story has appeared in the papers here telling of your improper action toward Mr. Richards and how you purchased a woman of Maui with gold money." Unable to cover his shame, Captain Buckle tried to ruin Mr. Richards and made charges against him to the British consul in Honolulu, Mr. Richard Charlton, accusing Richards of libel. Mr. Charlton joined him in the charges. What was the attitude of the American consul? This same Jones had many times more than four wives, yet he walked the street with his silk top hat set on the side. He was known to be against the missionaries, and some of the foreign merchants and the deputy American consul, Mr. Stephen Reynolds (Lansel), the white-haired American, were with him in this opposition. Mr. Charlton made complaint to Boki, Ka-hale-moku's successor, and Boki, who was the king's premier, and Manuia, who was in charge of the fort on Oahu, took the part of the consul. Boki had questioned John Young as to Mr. Richards' guilt and Young had shaken his head and mumbled, "England is very big to offend; a libelous letter is very wrong." Boki therefore informed Ka'ahu-manu and the king of Young's answer and they too and the chiefs decided that Richards must be in the wrong. The chiefs therefore wrote to Maui, "You chiefs of Maui, greetings to you. If Captain Buckle, Captain Clark, and the British consul come to get your teacher let them have him. It is a foreigner against a foreigner; let them have it out between them." The chiefs of Oahu were willing to place Mr. Richards in the jaws of the shark.*

Ka'ahu-manu was like a mother to the people of that community, and the missionaries and their teaching were like her beloved children. Her heart was grieved over the charges made against one she loved, and

* Ka'ahu-manu was like a mother to the people of that community, and the missionaries and their teaching were like her beloved children. Her heart was grieved over the charges made against one she loved, and

her tears fell. Nor was she pleased to have her enemies act according to their own will. She therefore wrote to the chiefs of Maui, Hawaii, and Kauai to come together in Honolulu, and some of the church people also accompanied Mr. Richards. A council of chiefs was held at the king's home at Pohukaina above the house of Ka-lani-moku to decide whether Mr. Richards was guilty or not. They were ignorant of the English law in the matter. They knew that when a man committed murder he forfeited his life. If Mr. Richards were now to die for this crime it was a pity. For two days they deliberated but could find no way to save Mr. Richards from being put to death, since both John Young and Boki had pronounced against him. The government had at that time no constitution ensuring a legal trial with witnesses presented on both sides to decide such a question, hence their uncertainty.

At noon of the day following David Malo and Ka-na'ima [father of King Lunailo] met Ka-'ahu-manu, Hoa-pili, and Ka-ka-ulu-ohi in secret in one of the rooms of the Council House, which they entered by a private entrance. Ka-'ahu-manu addressed David Malo while her tears flowed, saying, "Alas! I see no way to save our teacher. Young and Boki both say he is guilty of writing to America." Malo replied, "Is that what he is accused of?" "Yes." "How these foreigners contradict themselves! [Malo exclaimed] They say it is wrong to worship God, but all right to learn writing, and now they say it is all wrong for Mr. Richards to write a letter." Again Malo asked, "Suppose you had a spoon stolen and some one should inform you who had stolen it, who would be to blame, the one who stole the spoon or the one who told you who was the thief?" "The one who stole it." "You were Kamehameha's wife and Ka-niho-nui forced you to sleep with him. Luhehine informed Kamehameha. Now, I ask, which of the two did Kamehameha execute? Was it Luhehine?" "It was Ka-niho-nui." "Is there any country in the world where the wrongdoer is commended and the informant against him pronounced guilty?" "Nowhere!" Light was fast beginning to break in upon the chiefs' mind. Malo continued, "Why should Mr. Richards be convicted and Captain Buckle who committed wrong go free?" "It is plain to me that Mr. Richards is in the right and we have been very ignorant," Ka-'ahu-manu replied. She then went before the chiefs and presented her views.

The next day the king, Boki, Manuia, Ke-ku-anao'a, the British consul, and Captain Buckle presented themselves all dressed in gold-trimmed uniforms. When Manuia urged Mr. Richards' imprisonment within the fort, and Boki and the consul also urged this upon the Council, Ka-'ahu-manu spoke up and said, "The chiefs have consulted about the charge against Mr. Richards, who has been brought to trial by the British consul because of an alleged wrong committed against a British subject within

the kingdom of Hawaii of the charge made;

The queen by this the foreign merchants Manuia and the court swords in the air, as who had fired on the consul beat up one cattle which roamed 'ahu-manu's planting kuahine, was roped carriage, tossed up broken, and was on the noose. English the missionaries also I have seen with r dropped into the store Mr. George which those heads the chiefs' heads. A

On March 30, 1819 a second reinforcement who had been educated missionaries included Gulick (Kulika), Andrews (Aneru) Shepherd (Kapak Maria Ogden. The Rocky Mountains Ka-la-au-lana, 'U the missionaries a came a favorite wife and Mrs. Pale.

A few months later them, his Hulums mehamaha, attend since leaving it met Nahi-'ena'en: all the other children; a man out

* This story is by
† Ka Nupape Ku'e

RULING CHIEFS OF HAWAII

2

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At noon of the day following David Malo and Ka-na'ima (father of King Lunalilo) met Ka-'ahu-mann, Hoo-pili, and Ka-ka-ku-ohi in secret one of the rooms of the Council House, which they entered by a private entrance. Ka-'ahu-mann addressed David Malo while her tears flowed, saying, "Alas! I see no way to save our teacher. Young and Boki say he is guilty of writing to America." Malo replied, "Is that what is accused of?" "Yes." "How these foreigners contradict themselves! Malo exclaimed! They say it is wrong to worship God, but all right to write him writing, and now they say it is all wrong for Mr. Richards to write a letter." Again Malo asked, "Suppose you had a spoon stolen and some one should inform you who had stolen it, who would be to blame, the one who stole the spoon or the one who told you who was the thief?" The one who stole it. "You were Kamehameha's wife and Ka-niho-ahia forced you to sleep with him. Likelike informed Kamehameha how, I ask, which of the two did Kamehameha execute? Was it Likelike?" "It was Ka-niho-ahia." "Is there any country in the world where the wrongdoer is commended and the informant against him pronounced guilty?" "Nowhere!" Light was fast beginning to break in upon the chief's mind. Malo continued, "Why should Mr. Richards be convicted and Captain Buckle who committed wrong go free?" "It is plain to me that Mr. Richards is in the right and we have been very ignorant," Ka-'ahu-mann replied. She then went before the chiefs and presented her views.

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THE CAREER OF BOKI

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the kingdom of Hawaii. This is our decision: Mr. Richards is not guilty of the charge made; he is innocent and we release him."⁹⁶

The queen by this decision made enemies for herself of the consul and the foreign merchants and of Boki and Manuia of her own people. Manuia and the consul went out shaking their heads and waving their swords in the air, and the captains retired crestfallen. The two captains who had fired on Lahaina became Ka-'ahu-mann's worst enemies. The consul beat up one of her keepers who had chased away the consul's castle which roamed at large all the way to Paea's and were eating Ka-'ahu-mann's plantings at Kapahua'oma'u in Manoa. This man, Kamehameha, was roped about the neck by the consul and dragged behind his carriage, tossed up and down all along the plains, his chin and ribs broken, and was only saved from being killed by getting his hand inside the noose. Englishmen are certainly oppressive to the weak! It was not the missionaries alone who suffered but the Hawaiians much more. . . . I have seen with my own eyes the heads of the New Zealand chiefs dropped into the sea at the wharf near Kapapoho. In Mr. John Jones' store Mr. George Wood, the husband of Ka-'ahu-mann, threw the water in which those heads had been washed at the people who came to look at the chiefs' heads. A very cruel act!

On March 30, 1823, a three-masted ship anchored in the harbor bringing a second reinforcement of missionaries together with some Hawaiians who had been educated through the kindness of the American people. The missionaries included the Rev. E. W. Clark (Kakahu), the Rev. P. J. Gulick (Kulika), the Rev. Jonathan S. Green (Kerua), the Rev. Lorrin Andrews (Aneru), Mr. Gerrit P. Judd (Kauka), a physician, Mr. Shepherd (Kapakahi), a printer, their wives, and a single woman, Miss Maria Ogden. There were others who later went as missionaries to the Rocky Mountains in Oregon. The Hawaiians were John Pali, Hala, Ka-hui-mann, Ulali-moa, and Ka-ka-ku-ohi. Some of these assisted the missionaries and others lived like any of the people. John Pali became a favorite with Boki and married the daughter of George Holmes and Mrs. Pale.

A few months later the king, accompanied by his chiefs, Boki among them, his Hui-mann, and sailors, went to Hawaii on his warship *Kamehameha*, attended by other vessels, for his first visit to that island since leaving it for Honolulu. At Lahaina they were well feasted and met Nahi-'ena'ena, Ka-ka-ku-ohi, Hoo-pili, Ka-kuliki, Ka-hui-mann, and all the other chiefs of that place. Here they witnessed a tragic occurrence: a man out surf riding at 'U'u was killed by a shark which bit off

⁹⁶ This story is by Dibble 10, pp. 197-198, and Remy 27, pp. 217-225.
⁹⁷ *Ka Nopapa Kōkōro*, June 6, 1868.

The house or front yard of the king or governor is the usual court of justice, and it is sometimes quite a court of equity. Judgment is seldom given till both parties are heard face to face.

ORDEALS FOR TRYING ACCUSED

They have several ordeals for trying those accused of different crimes. One of the most singular is the *wai haruru*, shaking water. A large calabash or wooden dish of water is placed in the midst of a circle, on one side of which the accused party is seated. A prayer is offered by the priest; and the suspected individuals are required, one by one, to hold both hands, with the fingers spread out, over the dish, while the priest or the chief looks steadily at the face of the water; and it is said, that when the person, who has committed the crime, spreads his hands over the vessel, the water trembles. Probably conscious guilt, and superstitious dread, may make the hands of the culprit shake, and occasion the tremulous appearance of the water in which they are reflected.

No unnecessary delays take place in the redress of grievances, or the administration of justice.

I was once sitting with Kaniakolu, when a poor woman came to complain of the chief of her district, who, she said, had kept the water running through his own plantation for several days, while the potatoes and taro in her garden were parched up with drought.

After making a few inquiries, he called Kaniakolu, one of his favourite chiefs, and said, "Go with this woman; and, if the chief has kept back the water, open the channels, and let it flow over her field immediately." The chief girded up his mao, and, followed by the woman, set off for the district in which she resided.

NO LAWYERS

No lawyers are employed to conduct their public trials; every man advocates his own cause, usually sitting cross-legged before the judge; and I have often been pleased with the address the different parties have displayed in exhibiting or enforcing their respective claims.

CHIEFS ARE CONSULTED BY KING

There is no national council, neither have the people any voice in the proceedings of government. But the king, though accountable to no one for the measures he adopts, seldom acts, in any affair of importance, without the advice of his confidential chiefs. These counsellors are in no degree responsible for the advice they give, nor liable to suffer from any conduct the king may pursue. He, however, always pays a deference to their opinion, and seldom acts in opposition to their wishes.

In all matters of importance, it is customary to summon the gov-

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Journal of William Ellis

errors and principal chiefs of the several islands to a national council, when the subject is freely discussed. Their deliberations are generally conducted with great privacy, and seldom known among the people till finally arranged, when they are promulgated throughout the island by the king's heralds or messengers.

The king sends his orders directly to the governor of the island, or principal chief of the district. Formerly a courier bore a verbal message; now he carries a written despatch.

The office of messenger, as well as that of herald, is hereditary, and considered honourable, as those who sustain it must necessarily have possessed the confidence of the king and chiefs.

PUBLIC ASSEMBLIES OR NATIONAL AFFAIRS

Occasionally they hold public meetings for discussing national affairs. These are interesting assemblies, particularly when hostile chiefs, or the agents of opposite parties, meet; national orations, and counsellors, whose office is also hereditary, are then employed. In general, however, these meetings are convened only for the purpose of promulgating what has been previously arranged between the king and chiefs.

STATUS OF HAWAIIAN SYSTEM OF GOVERNMENT

The Hawaiian system of government—whether derived from the country whence the first settlers emigrated, or established by warlike chieftains in a subsequent period of their history, as an expedient to secure conquest, to command the services of their tenants on occasions of war, and to perpetuate the influence which military prowess or success in the first instance had given them, exhibits, in its decided monarchical character, the hereditary descent of rank and office, and other distinguishing features, considerable advancement from a state of barbarism, and warrants the conclusion that they have been an organised community for many generations.

But whatever antiquity their system may possess, they have made but little progress in the art of good government.

PEOPLE CONSIDERED AS PROPERTY OF CHIEFS

The well-being of the subject seems to have been but rarely regarded by the rulers, who appear to have considered the lower order in general as a kind of property, to be employed only in promoting the interests of their superiors; and the ardent love of wealth, which a acquaintance with the productions of foreign countries has excited in most of the chiefs, has not improved the condition of the people.

PEOPLE ABSOLUTELY SUBJECT TO CHIEFS

Industry receives no encouragement; and even those whom nature endows with energy of character would induce to cultivate a larger portion of lan-

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55488

Open Letter to Mrs. Abigail Kekaulike Kawananaoka and Ali'i Societies
by Adam Keawe Kinau Manalo Camp (Notes) on Wednesday, 8 May 2013 at 18:51
Open Letter to the Honorable Mrs Abigail Kekaulike Kawananaoka:

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cc: the Honorable Mr. Quentin Kuhio Kawananaoka;
the Honorable Mr. Arthur Kinney, Grandmaster of the Order of Kamehameha;
the Honorable Kahu Maioho, Mauna 'Ala;
and members of the Board of Land and Natural Resources;

13 JUN 19 11:14

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NATURAL RESOURCES

Since you do not speak Hawaiian, I shall greet you in English with the traditional salutation owed to an ali'i from another house. From the bones of the bones of my ancestors, to the blood of my blood of my ancestors, may the bones of your line/clan continue to live.

I acknowledge that you are a chief, a member of an illustrious family that goes back the centuries. I also acknowledge the great work that your mother, the late Lili'uokalani Morris, did in restoring 'Iolani Palace given that the Palace almost became a parking lot. It is therefore with great pain and sorrow that I have to read the latest scandal involving you.

Some years ago, an advice was given from your friend, the late and beloved Te Arikinui Te Atairangikaahu, that Polynesians in general, after our experience with colonialism, do not like their chiefs or ariki to be showy yet at the same time they expect their ariki to be involved. Indeed, Polynesians expect much from their ali'i because much has been given to them by the community.

Families of Hawaiians who grew up with deep ali'i values know that they can not speak against you in public because of waia (lasting shame/ breach of protocol). But the latest actions that you have caused has caused wawa (rumblings) and namunamu (gossip) within the community. If we were to speak in terms of traditions, when the people begin to wawa, the chiefs under the ali'i nui are justified to bring this matter to the attention of the chief during the Makahiki as the taboo of waia is set aside and should the rumblings continue, one may remember that it was a custom of the people of O'ahu used to burn the houses of the chiefs who had broken their sacred trust relationship with the people they ruled over, as Kamakaua and Puku'i have noted. I am not in any way suggesting burning someone's home, but I am reminding you that the loyalty of the people was not absolute even in the era of traditional chiefs. With any official history, there is always the alternative resistance history.

It is understood that you maintain friendships with people who only whisper honey into your ears and spread sugar across your eyes. But many in the Hawaiian community resent what you have been doing for the last 30 years, not out of jealousy but because you give them much to criticize and lament. I remember the incident when you sat on the throne at 'Iolani Palace and the late Jim Bartels told you to get off. Since a breach of protocol had occurred, Bartels had resigned. When the docents rebelled against you and you mishandled the press, you

by the ali'i themselves as well? If the people loved you, they would offer you a spot on the sacred earth of Mauna 'Ala.

Furthermore by taking the course of actions you are undertaking, you are opening a wind gourd of trouble. There are literally tens of thousands of descendants of Kamehameha the Great--myself included. There are hundreds of descendants of Kaumuali'i. Any of these descendants could use your actions as a precedence to go before the Board of Land and Natural Resources for permission to be buried at Mauna 'Ala, which in turn violates the sovereign jurisdiction of Mauna 'Ala itself--a jurisdiction recognized by your own ancestors which is why many chose not to do what you are attempting to do. If your grandmother were alive, I wonder what her reaction would be.

For the sake of the nation, for once in your life, show the people that you are humble and decline being buried at Mauna 'Ala. If in some future era, a new Hawaiian monarch may lawfully sit upon the royal hawk throne, let it be him or her to bury you at Mauna 'Ala. Let the Hawaiian nation honor you, ^{for any work you may accomplish for your people and homeland} do not impose it. Do not bring your lineage to shame and be forever lamented as an 'anai, as someone who single handed unified Hawaiians against restoring the monarchy due to your actions. Give those who had believed in your family a precious hero.

force this honor to be paid to you when your people do not feel you are worthy of that honor.

55722

DLNR
Parks Division
1151 Punchbowl St, Rm 210
Honolulu, HI 96813
Attn: Steve Soares

Lela M. Hubbard
[Redacted]
July 8, 2013

Enclosed is my genealogy and also
Adam Carr's letter which I have
marked regarding the criteria for
burial at Maunaloa per Kalakaua.

Mahalo,
Lela M. Hubbard

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NATURAL RESOURCES

Malina Kuluehu Kanciakama Buckle's Genealogy

Umialiloa ♂	Pi'ikea ♀	Kumalae ♂
		Aihakoko
Kumalaenuiaumi ♂	Kumupuala ♀	Makua ♂
Makua ♂	Kapohelemai ♀	I K ♂ (kanaka)
I K ♂	Kurwalu ♀	Ahu-a-I ♂
Ahu-a-I ♂	Wao ♀	Kamaalewa ♂
		I Kukalaaiaiku ♂
I Kukalaaiaiku ♂	Ohua ♀	Keakaohua ♀
Keakaohua ♀	Lonoikahaupu ♂	Ninauaiwikeakaohua ♀
Ninauaiwikeakaohua ♀	Ahu-a-I ♂	Ku ehū ♂
Ninauaiwikeakaohua ♀	Koloulelelani ♂	Kahakuwaiaao ♀
	Kaumehameha ♂	
Kahakuwaiaao ♀	Kuila'ahilo ♂	Pahio ♀
Pahio ♀	Kaimu ♂	Kaupale ♀
	Kinoua ♂	
	Kamohoalii ♂	
Kaupale ♀	Kame'eaumoku ♂	Kanciakama ♂
	Kahaka ♂	
Kanciakama ♂	Keono ♀	Malina Kuluehu ♀
Malina Kuluehu ♀	William Wahinepio	Jane Kahakuwaiaao
	Buckle ♂	Keakahiwalani Buckle ♀
Legend of symbols:	♂ Male	
	♀ Female	

Source: Genealogical notes of Jane Buckle Clark

*Lela Hubbard's Great Grandmother &
Aunt in waiting to Queen Liliuokalani*

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In reviewing the chart, you will see several names that are in the family today. For example, the name "Kahakuwaiaao" is one of Grandma Jane Buckle Clark's Hawaiian names.

Grandma Jane also often used the name "Pahio". We also recognize the name "Kuilaahilo" as the Hawaiian name for my older brother Pinkham L. McClellan. Another family name "Kaupale" is the Hawaiian name of Emma Buckle, our grand aunt. You will note that at the bottom of the chart Kaneiakama (kane) married Keono (wahine) and had Malina Kuluehu Kaneiakama (wahine). Malina then married William Wahinepio Buckle. They had several children, one of whom was our Grandmother Jane K.K. Buckle who married Grandpa Charles Henry Clark. Those are the family connections on grandma's side.

Of interest is the story of Malina's father Kaneiakama (kane) who was a high chief and a kahuna. Some of the ancient Hawaiian kahunas were very knowledgeable about the medicinal qualities of plants. In addition, there were some kahunas who had the knowledge of using some of these plants as a source of poison.

Open Letter to Mrs. Abigail Kekaulike Kawanakoa and Ali'i Societies
by **Adam Keawe Kinau Manaio Camp (Notes)** on Wednesday, 8 May 2013 at 18:51
Open Letter to the Honorable Mrs Abigail Kekaulike Kawanakoa:

cc: the Honorable Mr. Quentin Kuhio Kawanakoa;
the Honorable Mr. Arthur Kinney, Grandmaster of the Order of Kamehameha;
the Honorable Kahu Maioho, Mauna 'Ala;
and members of the Board of Land and Natural Resources;

Since you do not speak Hawaiian, I shall greet you In English with the traditional salutation owed to an ali'i from another house. From the bones of the bones of my ancestors, to the blood of my blood of my ancestors, may the bones of your line/clan continue to live.

I acknowledge that you are a chief, a member of an illustrious family that goes back the centuries. I also acknowledge the great work that your mother, the late Lili'uokalani Morris, did in restoring 'Iolani Palace given that the Palace almost became a parking lot. It is therefore with great pain and sorrow that I have to read the latest scandal involving you.

Some years ago, an advice was given from your friend, the late and beloved Te Arikinui Te Atairangikaahu, that Polynesians in general, after our experience with colonialism, do not like their chiefs or ariki to be showy yet at the same time they expect their ariki to be involved. Indeed, Polynesians expect much from their ali'i because much has been given to them by the community.

Families of Hawaiians who grew up with deep ali'i values know that they can not speak against you in public because of waia (lasting shame/ breach of protocol). But the latest actions that you have caused has caused wawa (rumblings) and namunamu (gossip) within the community. If we were to speak in terms of traditions, when the people begin to wawa, the chiefs under the ali'i nui are justified to bring this matter to the attention of the chief during the Makahiki as the taboo of waia is set aside and should the rumblings continue, one may remember that it was a custom of the people of O'ahu used to burn the houses of the chiefs who had broken their sacred trust relationship with the people they ruled over, as Kamakaupā and Puku'i have noted. I am not in any way suggesting burning someone's home, but I am reminding you that the loyalty of the people was not absolute even in the era of traditional chiefs. With any official history, there is always the alternative resistance history.

It is understood that you maintain friendships with people who only whisper honey into your ears and spread sugar across your eyes. But many in the Hawaiian community resent what you have been doing for the last 30 years, not out of jealousy but because you give them much to criticize and lament. I remember the incident when you sat on the throne at 'Iolani Palace and the late Jim Bartels told you to get off. Since a breach of protocol had occurred, Bartels had resigned. When the docents rebelled against you and you mishandled the press, you

proceeded to remove everything that you and your mother had donated from the Friends of 'Iolani Palace including furniture and you cut your donations. It was the first time that I had heard of someone taking back donations. But realizing that without the Friends of 'Iolani Palace, you had no authority to assert your claims, you began to donate again until you became president of that organization again. That was the first time that people within even the Daughters and Sons of Fallen Warriors, who had always supported the Kawanānākoa claims for the throne, began to openly speak of just getting rid of your family line and bringing back a line from Chief Kupe, some 600 years ago.

People like my grandmother had always supported the Kawanānākoa claims. All they simply wanted was to believe. They so desperately wanted an ali'i again to support. They wanted a hero. Instead, their support had continually been slapped with arrogance and hana 'ino (mistake). You may be a great person and have done much for the community back in the 1980s but you have brought such shame to our community that even your name has become an 'anai (curse). I have to admit that I know of some parents who say "Don't act like that haole woman from Merrie Monarch" when they are scolding their child for misbehaving. That is how much the Kawanānākoa name has fallen from the lips of Hawaiians.

Then there was the coronation with your nephew, a person who had renounced any claims to the throne (which you yourself agreed with due to his incapacity in accordance to Article 25) and whom some believe you were using as a tool against your other nephew as your claim to the throne is constitutionally superseded automatically by the male Kawanānākoa descendants.

Then there is now this Mauna 'Ala incident.

The last time a petition for burial at Mauna 'Ala was received was during the reign of King Kamehameha V by the then Charles Lunaillo on behalf of his mother, Kuhlina Nui Kekauluohi, and you may remember that the young David Kalakaua, then chamberlain of Kamehameha V rejected it claiming that being buried at Mauna 'Ala was not a right given to chiefs but a privilege and honor bestowed on individuals for meritorious and long service to the Crown and Hawaiian nation. I will repeat that. It is a privilege not a right. For that reason, King Lunaillo would later build himself a crypt at Kawaiaha'o as a reminder of that rejection to the occupant of 'Iolani Palace and as rejection of the Kamehamehas themselves.

In addition, your family already has several crypts. There is a crypt for your family just across from Mauna 'Ala that contains both Kawanānākoas and Campbells and is maintained weekly by a private gardener hired by your nephew. It is less than a ten minute walk from Mauna 'Ala. If anything the basis of mana or authority of your family line comes from the Island of Kaua'i. Why not just start a new mausoleum on Kaua'i or utilize the ones your family already has? Why aggravate the Hawaiian community because of your own insecurities and simply to show off your wealth? Haven't our people already suffered a lot that they must be affronted

by the ali'i themselves as well? If the people loved you, they would offer you a spot on the sacred earth of Mauna 'Ala.

Furthermore by taking the course of actions you are undertaking, you are opening a wind gourd of trouble. There are literally tens of thousands of descendants of Kamehameha the Great—myself included. There are hundreds of descendants of Kaumuali'i. Any of these descendants could use your actions as a precedence to go before the Board of Land and Natural Resources for permission to be buried at Mauna 'Ala which in turn violates the sovereign jurisdiction of Mauna 'Ala itself—a jurisdiction recognized by your own ancestors which is why many chose not to do what you are attempting to do. If your grandmother were alive, I wonder what her reaction would be.

For the sake of the nation, for once in your life, show the people that you are humble and decline being buried at Mauna 'Ala. If in some future era, a new Hawaiian monarch may lawfully sit upon the royal hawk throne, let it be him or her to bury you at Mauna 'Ala. Let the Hawaiian nation honor you, ^{for good works you have accomplished for your people and homeland} do not impose it. Do not bring your lineage to shame and be forever lamented as an 'anal, as someone who single handed unified Hawaiians against restoring the monarchy due to your actions. Give those who had believed in your family a ^{hero.}

force this honor to be paid to
you when your people do
not feel you are worthy
of that honor.